

May 19, 2025

[REDACTED]

Dr. Brandy Brady
Supervisor of Special Education
Somerset County Public Schools
7982-A Tawes Campus Drive
Westover, Maryland 21871

Re: [REDACTED]
Reference: #25-311

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education, has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

ALLEGATIONS:

On March 27, 2025, MSDE received a complaint from [REDACTED], hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Somerset County Public Schools (SCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and related requirements concerning the student.

MSDE investigated the following allegations:

1. The SCPS did not follow proper procedures when evaluating the student to determine if he is a student with a disability requiring special education and related services, since March 27, 2024, in accordance with 34 CFR §§ 300.301-.311 and COMAR 13A.05.01.06.
2. The SCPS did not provide prior written notice (PWN) on January 28, 2025, in accordance with 34 CFR § 300.503. Specifically:
 - a. The PWN does not reflect the Individualized Education Program (IEP) team’s decision to reject the parent’s request for an IDEA evaluation, and
 - b. PWN was not provided to the parent within a reasonable time following the IEP team meeting.

BACKGROUND:

The student is 15 years old and is supported by a 504 plan.¹ The student attends [REDACTED] School.

ALLEGATION #1

RESPONDING TO A REQUEST TO EVALUATE THE STUDENT

FINDINGS OF FACT:

1. There is documentation that on December 17, 2024, the complainant emailed the SCPS school administrator. The complainant requested the following:
 - An evaluation to determine the student’s eligibility for special education services under emotional disability and other health impairment for attention deficit hyperactivity disorder (ADHD).
 - Proposed testing in areas such as cognition, social-emotional behavioral functioning, and academics.
 - Information on the next steps, including scheduling a meeting to discuss testing and signing consent forms.
2. The January 28, 2025, prior written notice (PWN) generated following the IEP team meeting reflects:
 - The IEP team met to review and discuss the complainant's referral.
 - The IEP team reviewed the student’s 504 plan, grades, progress, and medical diagnosis from a private provider.
 - The parents raised concerns about the lack of the student’s progress and requested for the student to be “tested and pulled out of the general education environment to work with a one-to-one.” The parents also shared that they would like for the student “to do well and get on track with his assignments and stay awake and off the phone during the class period. They hope that building a relationship with an adult as a mentor” will help keep the student accountable and engaged. Additionally, the complainant shared “concerns about his peer relationships in and outside the school on social media.”

In response to the concerns raised by the parents, the PWN reflects the school-based team shared:

- If testing for special education is pursued, eligibility must be determined based on evaluations, and any changes to his learning environment would be considered only if his progress in general education is insufficient.
- Guidance on social media policies to help limit unwanted interactions.

¹ “Section 504” refers to Section 504 of the Rehabilitation Act of 1973, requiring schools to provide a free, appropriate public education (FAPE) to each eligible student, including the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the students as adequately as the needs of the student without a disability are met. (34 CFR § 104.33)

- The student is successful when he engages, but he needs to participate more actively in class, submit completed assignments, and limit phone use during school hours.

The PWN further reflects the IEP team reviewed the student's 504 plan, updated in November 2024, which provides accommodations such as small group testing, a quiet environment for quizzes and exams, and extended time as needed. They discussed implementing check-ins with a trusted teacher or staff member to help him stay accountable with classwork.

The consensus of the IEP Team was that the student's 504 plan that is in place provides the support that the student requires to access the general education setting at this time. The IEP team agreed to reassess the student's progress after midterms and identified staff who will communicate changes to the parents. The parents acknowledged the importance of the student's participation in class and agreed to discuss it with him before the next review.

CONCLUSION:

Based on Findings of Fact #1 and #2, MSDE finds that the SCPS did follow proper procedures when evaluating the student to determine if he is a student with a disability requiring special education and related services, since March 27, 2024, in accordance with 34 CFR §§ 300.301-.311 and COMAR 13A.05.01.06. Therefore, MSDE does not find a violation.

ALLEGATION #2

PROVISION OF PRIOR WRITTEN NOTICE OF THE IEP TEAM DECISIONS

FINDINGS OF FACT:

3. On February 6, 2025, the complainant emailed the SCPS informing them that:
 - She disagrees with the decision made on January 28, 2025.
 - She has concerns with the information that was shared regarding the eligibility process.
 - She has not yet received the PWN and meeting notes.
4. On February 7, 2025, the PWN for the January 28, 2025, IEP team meeting was emailed to the complainant.

CONCLUSION:

Provision of PWN of the IEP Team Decisions

Based on Findings of Fact #2 through 4, MSDE finds that the PWN does reflect the IEP team's decision to reject the parent's request for an IDEA evaluation on January 28, 2025, and the PWN was provided to the parent within a reasonable time following the IEP team meeting, in accordance with 34 CFR § 300.503. Therefore, MSDE does not find a violation.

TIMELINES:

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the

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written request must include a compelling reason for why the documentation was not made available during the investigation. Requests for reconsideration should be sent directly to Tracy Givens, Section Chief, Dispute Resolution, at Tracy.Givens@maryland.gov. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

The parties maintain the right to request mediation or to file a due process complaint if they disagree with the identification, evaluation, placement, or provision of free appropriate public education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine Hickman, Ed.D.
Assistant State Superintendent
Division of Special Education

c: Dr. Ava Tasker-Mitchell, Superintendent, SCPS
Dr. Brandy Brady, Supervisor of Special Education, SCPS
Zeb Barlow, Coordinator of Special Education, SCPS
[REDACTED], Principal, [REDACTED] School, SCPS
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Dr. Brian Morrison, Director, Accountability and Data, MSDE
Alison Barmat, Director, Family Support and Dispute Resolution Branch, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Rabiatu Akinlolu, Complaint Investigator, MSDE