



October 18, 2013

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Mr. Russell Gray
Director of Special Education
Carroll County Public Schools
125 North Court Street
Westminster, Maryland 21157

RE: XXXXX
Reference: #14-015

Dear Parties:

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

ALLEGATION:

On August 28, 2013, the MSDE received a complaint from Ms. XXXXXXXXXXXX, hereafter, “the complainant,” on behalf of the above-referenced student and her mother, Ms. XXXXXXXXX. In that correspondence, the complainant alleged that the Carroll County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and applicable State regulations with respect to the above-referenced student. Specifically, the complainant alleged that the CCPS did not ensure that the student participated in the Alternate Maryland School Assessment (Alt-MSA) during the 2012 – 2013 school year, as required by the Individualized Education Program (IEP), in accordance with 34 CFR §§300.160, .320 and .323 and *The MSDE Alt-MSA Handbook*.

On September 13, 2013, this office informed the complainant, in writing, that the document she submitted with the State complaint did not constitute proper consent from the student's mother to release personally-identifiable information to her about the student. The complainant was informed that if such consent was not received, we would be unable to share the results of the State complaint investigation with her. Because proper consent has not been received, this correspondence is being addressed directly to the student's mother.

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INVESTIGATIVE PROCEDURES:

1. Ms. Koliwe Moyo, Education Program Specialist, MSDE, was assigned to investigate the complaint.
2. On August 29, 2013, the MSDE sent a copy of the complaint, via facsimile, to Mr. Russell Gray, Director of Special Education, CCPS.
3. On September 5 and 11, 2013, Ms. Moyo conducted a telephone interview with the complaint to clarify the allegation to be investigated.
4. On September 13, 2013, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation. On the same date, the MSDE notified the CCPS of the allegation and requested that the CCPS review the alleged violations.
5. On September 30, 2013 and October 1, 2013, Ms. Moyo conducted interviews with Ms. Trinell Bowman, Alt-MSA Project Manager, MSDE and received documentation related to the allegation being investigated.
6. On October 2, 11, and 14, 2013, the CCPS provided the MSDE with requested documentation from the student's educational record.
7. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEP, dated May 25, 2012;
 - b. 2013 Alt-MSA home report; and
 - c. Correspondence and attachments from the complainant to the MSDE, received on August 28, 2013.

BACKGROUND:

The student is seventeen (17) years old and attends XXXXXXXXXXXXXXXX. She is identified as a student with Intellectual Disability under the IDEA, and receives special education instruction and related services. There is documentation that during the period of time addressed by this investigation, the student's mother participated in the education decision-making process

and was provided with written notice of the IEP team decisions and notice of the procedural safeguards (Docs. a and c).

FINDINGS OF FACTS:

1. The IEP requires that the student participate in the Alternate Maryland School Assessment (Alt-MSA), which is the Maryland alternate assessment based on alternate academic achievement standards (Doc. a).
2. The report of the results of the Alt-MSA administered during the 2012-2013 school year, which was provided to the student's mother, reflects that the student demonstrated mastery of four (4) of the ten (10) Mastery Objectives for reading, two (2) of the ten (10) Mastery Objectives for mathematics, and three (3) of the ten (10) Mastery Objectives for science (Doc. c).

DISCUSSION/CONCLUSIONS:

The IDEA requires that States ensure that all students with disabilities are included in all general State and district-wide assessment programs with appropriate accommodations and alternate assessments, if necessary, as determined by each student's IEP team and stated in the IEP. This includes developing and implementing alternate assessments and guidelines for the participation of students with disabilities who cannot participate in regular assessments, even with the provision of accommodations (34 CFR §§300.160 and .320).

In Maryland, a student with a significant cognitive disability participates in the Alt-MSA if the IEP team decides that the student is participating in extended Maryland content standards in reading, mathematics, and science and cannot participate in the Maryland School Assessment (MSA), even with the provision of accommodations. The Alt-MSA assesses and reports student attainment of individualized Mastery Objectives based on the Maryland reading, mathematics, and science content standards. A portfolio is constructed for each student consisting of artifacts, such as student work samples, which document the student's mastery of the assessed reading, mathematics, and science objectives. The student's IEP goals are considered in the development of the Mastery Objectives, which are aligned with the Maryland State Curriculum and Core Learning Goals. These guidelines for participating in the Alt-MSA are provided to local school systems through *The MSDE Alt-MSA Handbook*.

Each public agency must also ensure that students with disabilities receive the special education instruction and related services required by the IEP (34 CFR §300.323). In this case, the complainant alleges that, although the student's IEP requires that the student participate in the Alt-MSA, she was not provided with the opportunity to do so during the 2012-2013 school year, as mandated by the IDEA (Doc. c).

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Based on the Findings of Facts #1 and #2, the MSDE finds that there is documentation that the student participated in the Alt-MSA during the 2012-2013 school year. Therefore, this office does not find that a violation occurred.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The student's mother maintains the right to request mediation or to file a due process complaint, if she disagrees with the identification, evaluation, placement, or provision of a Free Appropriate Public Education for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MEF/km

cc: Stephen H. Guthrie
Russell Gray
Wayne Whalen
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XXXXXXXX
Dori Wilson
Anita Mandis
Karen Andrews
Koliwe Moyo