



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

October 3, 2014

XXX
XXX
XXX

Ms. Arden Sotomayor
Director of Special Education
Charles County Public Schools
P.O. Box 2770
La Plata, Maryland 20646

RE: XXXXX
Reference: #15-006

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.

ALLEGATIONS:

On August 4, 2014, the MSDE received a complaint from Mr. XXXXXXXXX, hereafter, “the complainant,” on behalf of his son. In that correspondence, the complainant alleged that the Charles 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. The MSDE investigated the allegations listed below.

1. The CCPS has not ensured that the Individualized Education Program (IEP) has addressed the student’s math, reading, speech/language, social, emotional, and occupational therapy needs since the start of the 2013-2014 school year¹, in accordance

¹ The complaint included allegations of violations that occurred more than one (1) year before the date the complaint was received. The complainant was advised, in writing, on August 13, 2014, that this office may only investigate allegations of violations which occurred not more than one (1) year prior to the receipt of the State complaint (34 CFR §300.153).

with 34 CFR §§300.320 and .324. Specifically, the complainant alleged that the IEP does not contain:

- a. Present levels of academic achievement and functional performance that include how the student's disability affects his involvement and progress in the general curriculum;
 - b. Measurable annual goals designed to meet the student's needs that result from his disability to enable him to be involved in and make progress in the general education curriculum; and
 - c. The special education instruction and related services and supplementary aids and services to enable the student to achieve the annual IEP goals and make progress in the general education curriculum.
2. The CCPS did not ensure that proper procedures were followed during the 2013-2014 school year to determine the student's need for Extended School Year (ESY) services for the summer of 2014, in accordance with COMAR 13A.05.01.08.

INVESTIGATIVE PROCEDURES:

1. Ms. Koliwe Moyo, Education Program Specialist, MSDE, was assigned to investigate the complaint.
2. On August 4, 2014, the MSDE received correspondence from the complainant alleging violations of the IDEA.
3. On August 5, 2014, the MSDE sent a copy of the complaint, via facsimile, to Dr. Arden Sotomayor, Director of Special Education, CCPS and Ms. Marsha Diaz, Director of Compliance, CCPS.
4. On August 8 and 13, 2014, Ms. Moyo conducted telephone interviews with the complainant to clarify the allegations and explain the State complaint procedures.
5. On August 13, 2014, 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 Dr. Sotomayor of the allegations and requested that her office review the alleged violations.
6. On September 4, 2014, Ms. Moyo conducted telephone interviews with Ms. Diaz regarding the allegations being investigated. On September 5, 2014, Ms. Moyo and Ms. Memuna Bangura, Monitoring Specialist, MSDE, conducted a site visit at the XXXXXX XXXXXXXX (XXXXXXXXXX) to conduct a review of the student's educational record

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 3

and interviewed the following school staff:

- a. Ms. XXXXXXXX, School Psychologist;
- b. Ms. XXXXXXXX, Special Education Teacher/Case Manager;
- c. Ms. XXXXXX, English Teacher; and
- d. Ms. XXXXXXXXXX, Speech/Language Pathologist.

Ms. Diaz, Mr. Larry Johnson, Instructional Specialist for Special Education, CCPS, and Ms. Shayna Gold, Instructional Specialist for Compliance, CCPS attended the site visit as representatives of the CCPS and to provide information on the CCPS policies and procedures, as needed. On the same date, the CCPS provided the MSDE with documentation from the student's educational record.

7. On September 29, 2014, Ms. Moyo conducted a telephone interview with Mr. XXXXXXXXXX, 9th Grade Administrator, XXXXXXXXXX regarding school programs.
8. On September 30, 2014, Ms. Moyo conducted a telephone interview with Ms. Diaz and was provided with additional documentation from the student's educational record.
9. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. Correspondence and attachments from the complainant to the MSDE, received on
 - b. May 12, 2014;
 - c. Child find referral, dated May 7, 2013;
 - d. Consent for assessment, dated May 20, 2013;
 - e. Educational assessment, dated May 31, 2013;
 - f. Speech/Language assessment, dated May 31, 2013;
 - g. Psychological assessment, dated June 10, 2013;
 - h. Evaluation report and determination of initial eligibility, dated June 17, 2013;
 - i. Correspondence from the complainant to the CCPS staff, dated June 19, 2013;
 - j. IEP team meeting notice, dated July 19, 2013;
 - k. Evaluation report and determination of initial eligibility, dated July 25, 2013;
 - l. Notice of no assessment, dated July 25, 2013;
 - m. IEP team meeting notice, dated August 7, 2013;
 - n. IEP, dated August 12, 2013;
 - o. Correspondence from the complainant to the school staff, dated September 8, 2013;
 - p. IEP team meeting notice, dated September 13, 2013;
 - q. IEP, dated September 26, 2013;
 - r. IEP, dated October 14, 2013;
 - s. Correspondence from the complainant to school staff, dated October 19, 2013;

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 4

- t. Student's classroom teacher progress reports, dated November 18, 2013;
- u. Complainant's request for an Independent Educational Evaluation (IEE), dated November 16, 2013;
- v. Correspondence from the CCPS to the complainant regarding the IEE, dated November 22, 2013;
- w. Report of the student's grades from October 31, 2013 through December 6, 2013;
- x. IEP, dated November 25, 2013;
- y. Correspondence from the complainant to the CCPS staff, dated January 14, 2014;
- z. Independent Psycho-Educational assessment report, dated March 29, 2014;
- aa. Electronic mail (email) from the school staff to the complainant, dated April 7, 2014;
- bb. Student's classroom teacher progress reports, dated May 20 – 22, 2014 and June 9, 2014
- cc. IEP team meeting notice, dated June 10, 2014;
- dd. IEP, dated June 17, 2014;
- ee. Notice and consent for assessment, dated June 17, 2014;
- ff. Correspondence from the complainant to the school staff, dated June 25, 2014;
- gg. Report card, class schedule, and attendance for the 2013-2014 school year;
- hh. Sample of the student's point sheet and behavior checklist used during the 2013-2014 school year; and
- ii. IEP team meeting notice dated.

BACKGROUND:

The student is fifteen (15) years old and he attends XXXXXXXXXXXXXXXX. During the period of time addressed by this investigation, the complainant participated in the education decision-making process and was provided with written notice of the IEP team decisions and notice of the procedural safeguards.

Prior to the start of the 2013-2014 school year, the student was identified as a student with a disability under Section 504 of the Rehabilitation Act of 1973 and had a 504 Accommodations Plan (504 Plan).

On July 25, 2013, the student was identified as a student with an Other Health Impairment under the IDEA related to Attention Deficit Hyperactivity Disorder (ADHD).

On August 12, 2013, an IEP was developed requiring the provision of special education instruction. At the start of the 2013-2014 school year, the student began receiving special education instruction (Docs. a – d, h, j – n, p, r, t, w, x , cc – ee, gg, and hh).

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 5

**ALLEGATION #1: ADDRESSING THE STUDENT’S NEEDS DURING THE 2013-2014
SCHOOL YEAR**
FINDINGS OF FACTS:

Social/Emotional/Behavioral Needs

1. When developing the IEP in effect at the start of the 2013-2014 school year, team considered information from teachers that the student had difficulty focusing during class, completing and submitting his work, and would often distract other students by tapping his pencil or making noises. The complainant likewise reported that, despite the provision of the supports from his 504 plan, the student continued to have difficulty maintaining focus, which impacted his ability to complete his assignments. The team also considered information that the student had “attention span difficulties that are impacting his academic functioning” and that he does not respond well to re-direction or efforts to correct his behavior (Docs. c - n).
2. At the August 12, 2013 IEP team meeting, the team developed an IEP which required that the student receive special education instruction in the general education classroom for English, math, science, and social studies to address his behavior needs. The IEP also required that the student receive special education instruction in a separate special education classroom for “pre-teaching and re-teaching of core academic concepts and skills.” The IEP also included goals to assist the student with improving his ability to “remain on task and participate in classroom activities” and self-management skills, such as beginning assignments with fewer prompts, and submitting all class and homework assignments (Doc. n).
3. On August 12, 2013, the IEP team included accommodations and supports to assist the student with achieving the annual IEP goals, including “extended time for processing information” and completing tasks, testing and instruction provided in a “small group setting,” as needed, monitoring of his independent work, repetition of directions use of an agenda book to document his assignments and facilitate communication between home and school, and preferential seating (Doc. n).
4. The reports of the student’s progress towards achieving the annual goals generated during the 2013-2014 school year indicated that the student was not making sufficient progress towards achieving the goals related to class participation, remaining on-task, and self-management in the first, third, and fourth quarters. The progress notes stated that the student “often appears lost and not on pace with the lesson” and he does not consistently submit his work. The reports of progress also included the data collected throughout the school year which was used to measure the student’s progress towards achieving the annual goals. In response, the team met as follows to address the lack of expected progress:

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 6

- a. On September 26, 2013, the IEP team revised the IEP to include additional supports, such as the chunking of assignments, development of a behavior plan, use of graphic organizers, and provision of copies of notes to assist the student with focusing during class.
- b. On October 14, 2013, the team revised the IEP to include additional supports, including the provision of notes from class, development of a daily “NEST²” schedule for additional academic support.
- c. On November 25, 2013, the IEP the team met to review the student’s progress and revised the IEP to include additional supports, including checks for understanding, a color-coded organizational folder system for each subject, “proximity control” by the teachers during class activities, and meetings with his case manager.
- d. On June 17, 2014, the IEP team convened to review the student’s progress and an independent psycho-education assessment that was funded by the CCPS at the complainant’s request. The assessment report indicated that the student’s ADHD “is very significant and impacts him across all areas” including his ability to remain focused and organized. The assessment results further indicate that the student does not meet the criteria of a student with Autism (Docs. z and dd).
- e. Based on this review, the IEP team revised the IEP to include accommodations and supports, including monitoring the student’s responses during testing to ensure that he follows directions and is working at an appropriate pace, frequent breaks to refocus on a task and complete assignments, a second group of textbooks for home, and visual supports, such as diagrams or pictures with auditory materials that are provided to the student. The IEP team also required that the student be provided with a list of “self-management strategies” to improve his on-task behavior and increase productivity in class (Docs. q, r, x, dd, and hh).

Reading and Math Needs

5. When developing the IEP on August 12, 2013, the IEP team considered data from the psychological assessment indicating that student has “average” cognitive abilities, but that he also has “significant processing deficits in the areas of perceptual reasoning skills, working memory skills, and processing speed.” The team also considered the educational assessment data that indicated that the student’s broad reading and math skills are in the

² NEST, which stands for Nourishment, Extracurricular, Socialization, and Tutoring, is a period during the school day when students can obtain additional academic support from the teachers or participate in other activities (Doc. r and interviews with school staff).

“average range” when compared to his same aged peers and that the disability did not appear to be impacting his academic performance and/or functional performance with

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 7

regard to math and reading. Based on this information, the team did not identify reading or math needs in the IEP (Docs. e, g, h, k, and n).

6. On October, 14, 2013, the IEP team convened to consider information about the student's classroom performance, in response to the complainant's concerns about the student's reading skills. At the meeting, the school staff reported that the student was experiencing difficulty in the area of reading comprehension (Docs. o and r).
7. Based on this review, the IEP team identified the student with needs in reading comprehension and developed an annual goal for the student to improve this skill. The team decided that the student would be provided with special education instruction to assist him with improving his reading comprehension skills and indicated that the student's progress on the goal would be measured using classroom based assessments. In response to the complainant's continuing concerns regarding the student's reading fluency and phonemic awareness, the team agreed that a reading intervention program would be considered and indicated that if the reading intervention is not appropriate, the instructional resource specialist will consult with school staff regarding the student's reading skills (Doc. r).
8. The reports of progress towards achieving the annual IEP goal in reading document that the student made sufficient progress toward achieving the annual reading goal during the 2013-2014 school year. The reports of progress include information regarding the data collected through classroom-based assessment that was used to measure the student's progress to toward achieving the goal (Doc. x).
9. During the June 17, 2014 IEP team meeting, the team considered information from the independent psycho-educational assessment, provided by the complainant, which indicates that the student's difficulty with maintaining focus and paying attention may negatively impact his performance in math by making him prone to making “careless” mistakes and not recognizing errors. The report indicates that the student may be “demonstrating solid skills” in math at this time; however, due to his continued difficulty remaining on task, “he is at-risk for experiencing math-related difficulties as visual-spatial demands increase in his academic curriculum” in the future in classes, such as geometry and physics (Docs. z and dd).
10. Based on this data, the IEP team determined that the student would be provided with instruction in a separate special education classroom for math so that he can receive instruction with a smaller group with fewer distractions during the class (Doc. dd).

Speech/Language Needs

11. The speech/language assessment report considered when developing the student's IEP on August 12, 2013 indicated that the student's receptive, expressive, and pragmatic

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 8

language skills fell in the "average range" when compared to his peers and that the student "has all the basic language skills that he needs for the purpose of comprehension and self-expression." The assessment report concluded that there is "no overall educational impact on academic performance" as a result of the student's language skills (Docs. f, h, k, and n).

12. Throughout the 2013-2014 school year, the complainant expressed concern to school staff that the student had difficulty with pragmatic language skills and oral expression that impacted him in school. During the October 14, 2013 IEP team meeting, the speech/language pathologist attended the IEP team to provide "information and input" to in response to the complainant's concerns about the student's "oral language skills." At the IEP team meetings, the school staff indicated that the information from the assessment data did not demonstrate that the student had problems with his pragmatic, receptive, or expressive language skills that impacted his academic performance or ability to communicate with others. There is no documentation in the reports completed by the student's teachers indicating that he has had difficulty communicating during his classes (Docs. f, o, q, - u, x, z, bb, dd, and review of the student's educational record).

Occupational Therapy Needs

13. The psychological assessment considered by the IEP team on August 12, 2013, suggested that the student had "difficulties" with "eye-hand coordination which might interfere with his ability to write legibly." However, no recommendations were made to obtain additional data and there is no documentation that the student had needs in the area of handwriting that impacted his academic performance (Docs. g, n and review of the student's educational record).
14. At the June 17, 2014 IEP team meeting the team considered results from the complainant's independent psycho-educational assessment which identified that the student had "fine motor weakness" which resulted in "poor handwriting." The assessment indicated that combined with the cognitive profile and social deficits identified in the data the student probably has a "nonverbal learning disability" and exhibited symptoms consistent with a diagnosis of a developmental coordination disorder or "dysgraphia" (Docs. z and dd).
15. Based on this information, the IEP team determined that additional information regarding the student's "strengths and weaknesses with fine motor and writing skills" is necessary to identify whether the student "requires additional support with his writing," including the use of assistive technology (Docs. dd and ee).

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 9

16. The CCPS staff report that the IEP team convened on September 29, 2014³ to review the assessments and revised the IEP based on that data (interview with CCPS)

DISCUSSION/CONCLUSION:

In order to provide a student with a Free Appropriate Public Education (FAPE), the public agency must ensure that an IEP is developed that addresses all of the needs that arise out of the student's disability that are identified in the evaluation data. In developing each student's IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a student whose behavior impedes the student's learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior (34 CFR §§300.101, .320, and .324).

The IEP team must review the IEP periodically, but not less than annually, to determine whether the annual goals are being achieved. In addition, the IEP team must review and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals, the results of any reevaluation that is conducted, information about the student provided by the parents, or the student's anticipated needs (34 CFR §300.324).

The United States Department of Education, Office of Special Education Programs (OSEP), requires that, during the investigation of an allegation that a student has not been provided with an appropriate educational program under IDEA, the state educational agency must review the procedures used by a school system to reach determinations about the program. Additionally, the state educational agency must also review the evaluative data to determine if decisions made by the IEP team are consistent with the data and determine a remedy to the student for loss of appropriate services.

The state educational agency may not, however, overturn an IEP team's decisions. Parents may challenge an IEP team's decisions by filing a due process complaint or requesting mediation to resolve the dispute (OSEP Letter #00-20, July 17, 2000 and Analysis of Comments and Changes to IDEA, Federal Register, Vol. 71, No. 156, p.46601, August 14, 2006).

When it is determined that the public agency has not followed proper procedures, the state agency can require the local public agency to ensure that the IEP team follows proper procedures to review and revise, as appropriate, the program to ensure that the program addresses the needs identified in the data; and determine a remedy to the student for loss of appropriate services

³ To date, there is no documentation of the decisions made at this meeting (interview with CCPS staff and review of the Maryland Online IEP System).

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 10

In this case the complainant alleges that the IEP team did not develop an IEP that addressed all areas of identified need for the student. Based on the Findings of Facts #1 - #16, the MSDE finds that when the team developed the student's IEP, it considered the assessment data, the complainant's input, and information from the student's teachers and determined the student's present levels of performance in the areas of identified need.

Based on the Findings of Facts #1 - 16#, the MSDE finds that the IEP team developed an IEP which included measurable annual goals containing a clear statement of how the student's progress towards achievement of the annual IEP goals will be measured and determined the special education instruction and supports necessary to address the student's identified needs consistent with the data. Based on the Findings of Facts #1 - #16, the MSDE finds that the IEP team met throughout the school year to address the complainant's concerns, obtain additional data, and review and revise the IEP as necessary to address the student's identified needs. Therefore, the MSDE does not find a violation with regard to this aspect of the allegation.

**ALLEGATION #2: EXTENDED SCHOOL YEAR (ESY) SERVICES
DETERMINATION FOR THE SUMMER OF 2014**

FINDINGS OF FACTS:

17. At the August 12, 2013 IEP team meeting, the team discussed ESY services. The school based members of the team explained ESY services to the complainant. The team determined that because this was the student's initial IEP and services had not yet been provided, the ESY determination for the summer of 2014 would be deferred until later in the 2013-2014 school year (Doc. n).
18. There is no documentation that the team considered the student's need for ESY during the IEP team meeting held on September 25, 2013, October 16, 2013, or November 25, 2013 (Docs. q, r, x, and review of the educational record).
19. On June 17, 2014, the IEP team convened and considered the student's need for ESY services. The IEP team meeting summary indicates that the team considered whether:
 - a. the student's IEP includes annual goals related to critical life skills;
 - b. there is a likely chance of substantial regression of critical life skills;
 - c. the student is demonstrating a degree of progress toward mastery of IEP goals related to critical life skills;
 - d. there is a presence of emerging skills or breakthrough opportunities;
 - e. there are significant interfering behaviors;
 - f. the nature and severity of the student's disability warrant ESY; and
 - g. there are special circumstances that require ESY (Doc. dd).

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 11

20. The IEP team meeting notes indicate that the team considered information from the student's educational record, reports from the complainant, reports from the student's teachers and the required ESY factors. Based on its review, the team decided that there were no emerging skills or breakthrough opportunities, that the "nature and severity" of the student's disability did not warrant the provision of ESY services and that there were no special circumstance that required the provision of ESY. However, the team did indicate that the student has interfering behaviors, including difficulty maintaining attentions, but concluded that the student would not be denied a FAPE without the provision of ESY services and the benefits he receives from his program would not be significantly jeopardized without the provision of ESY services (Doc. dd).
21. The student's IEP indicates that he did not require ESY services during the summer of 2014. The IEP further documents the information considered by the team when making the determination and the basis for the IEP team's decision (Doc. dd).

DISCUSSION/CONCLUSIONS:

ESY services are an individualized extension of specific services beyond the regular school year that are designed to meet specific goals included in the student's IEP (34 CFR §300.106 and COMAR 13A.05.01.03B(26)). At least annually, the IEP team must determine whether the student requires ESY services in order to ensure that the student is not deprived of a Free Appropriate Public Education (FAPE) by virtue of the normal break in the regular school year (Md. Ann. Code, Education Art. §8-405(b)). When determining whether ESY services are required for the provision of FAPE, the IEP team must consider all of the factors below.

1. Whether the student's IEP includes annual goals related to critical life skills;
2. Whether there is a likelihood of substantial regression of critical life skills caused by the normal school break and a failure to recover those lost skills in a reasonable time;
3. The student's degree of progress toward mastery of the annual IEP goals related to critical life skills;
4. The presence of emerging skills or breakthrough opportunities;
5. Interfering behaviors;
6. The nature and severity of the disability; and
7. Special circumstances (COMAR 13A.05.01.08B (2) (b)).

After considering the required factors, the IEP team must decide whether the benefits that a student receives from the education program during the regular school year will be *significantly jeopardized* if the student is not provided with ESY services (MM v. School District of Greenville Co. (S.C.), 303 F3d. 523, 37 IDELR 183 (4th Cir. 2002)) (emphasis added). The school system must provide written notice to the parent of the team's decisions regarding the student's need for ESY services. This includes informing the parent of the decisions and providing the parent with an explanation of the basis for the decisions (34 CFR §300.503(b)).

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 12

There is no specific legal requirement as to when the ESY decision must be made. However, the IEP team meeting must be scheduled early enough in the school year to ensure that parents can meaningfully exercise their due process rights if they wish to challenge an ESY decision (COMAR 13A.05.01.07B). This means that the determination concerning ESY services must be made in such a manner that if a due process hearing is needed to resolve a disagreement, it can be conducted and a decision rendered early enough for the services to be provided.

In this case, the complainant alleges that school staff did not follow proper procedure or consider his input when determining whether the student required ESY services. Based on the Findings of Facts #17 - #21, the MSDE finds that the IEP team considered all of the required factors and the complainant's concerns, when determining that the student did not require ESY services.

However, based on the same Findings of Facts, the MSDE finds that because the ESY decision was not made until the end of the 2013-2014 school year, there was not sufficient time for the complainant to resolve, through due process, his disagreement with the team's June 17, 2014 decision prior to the start of ESY services had he chosen to do so. Therefore, the MSDE finds that a violation occurred with regard to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

The MSDE requires the CCPS to provide documentation by January 1, 2015, of the steps it has taken to determine if the violation identified in the Letter of Findings related to ensuring that the ESY services decisions have been made in a timely manner is unique to this case or if it represents a pattern of noncompliance at XXXXXXXXXXXXXXXXXXXX. Specifically, the school system is required to conduct a review of student records, data, or other relevant information to determine if the regulatory requirements are being implemented and must provide documentation of the results of this review to the MSDE. If the school system reports compliance with the requirements, the MSDE staff will verify compliance with the determinations found in the initial report.

If the school system determines that the regulatory requirements are not being implemented, the school system must identify the actions that will be taken to ensure that the violations do not recur. The school system must submit a follow-up report to document correction within ninety (90) days of the date of its determination.

Upon receipt of this report, the MSDE will verify the data to ensure continued compliance with the regulatory requirements, consistent with the requirements of the US Department of Education, Office of Special Education Programs. Additionally, the findings in the Letter of Findings will be shared with the MSDE's Policy and Accountability Branch for its consideration during present or future monitoring of the CCPS.

Documentation of all Corrective Actions taken is to be submitted to this office to the attention of the Chief of the Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

XXX

Ms. Arden Sotomayor

October 3, 2014

Page 13

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties through the Family Support and Dispute Resolution Branch. The Branch staff can be reached at (410) 767-7770.

Please be advised that both parties have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of fact or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirements as reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The complainant and the school system maintain the right to request mediation or to file a due process complaint, if they disagree with the identification, evaluation, placement, or provision of a FAPE 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 due process complaint.

Sincerely,

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

MEF/km

cc Kimberly A. Hill
 Marsha Diaz
 XXXXXX
 Dori Wilson
 Anita Mandis
 Koliwe Moyo

