



200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

May 27, 2016

XXX
XXX
XXX

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

RE: XXXXX
Reference: #16-095

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE), 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 March 29, 2016, the MSDE received a complaint from Ms. XXXXXXXXXX, hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Carroll County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the allegation that the CCPS has not provided the student with special education instruction in math, as required by the Individualized Education Program (IEP), in accordance with 34 CFR §§300.101 and .323.

INVESTIGATIVE PROCEDURES:

1. On March 29, 2016, the complainant provided the MSDE with documentation to be considered.
2. On April 1, 2016, the MSDE sent a copy of the complaint, via facsimile, to Mr. Russell Grey, Director of Special Education, CCPS.

3. On April 4, 2016, Mr. Albert Chichester, Complaint Investigator, MSDE, conducted a telephone interview with the complainant to discuss the allegation.
4. On April 8, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. The MSDE also notified Mr. Grey of the allegation to be investigated and requested that his office review the alleged violation.
5. On May 3, 2016, Mr. Chichester and Ms. Sharon Floyd, Complaint Investigator, MSDE, conducted a site visit to the XXXXXXXXX High School (XXHS) to review the student's educational record, and interviewed the following school staff:
 - a. Ms. XXXXXX, Teacher Assistant;
 - b. Ms. XXXXXXXXXXX, Special Educator;
 - c. Ms. XXXXXXXX, Special Educator;
 - d. Ms. XXXXXXXX, Special Education Instructional Consultant;
 - e. Mr. XXXXXXXX, Special Educator, XXXXXXXXXXXXXXXXXXXXXXXX Center (CCCTC); and
 - f. Mr. XXXXXXX, Math Educator.

Mr. Wayne Whalen, Coordinator of Compliance, CCPS, attended the site visit as a representative of the CCPS and to provide information on the school system's policies and procedures, as needed.

6. Documentation provided by the parties was reviewed. The documents referenced in this Letter of Findings include:
 - a. IEP, dated April 7, 2015;
 - b. IEP, dated February 4, 2016;
 - c. Meeting summary, dated April 13, 2015;
 - d. Meeting summary, dated February 18, 2016;
 - e. The student's transcript course summary, dated between 2009-2016 school years;
 - f. The student's Algebra II grade summary, dated between September 4, 2015 and November 6, 2015; and
 - g. Correspondence from the complainant containing an allegation of a violation of the IDEA, received by the MSDE on March 29, 2016.

BACKGROUND:

The student is seventeen (17) years old and is identified as a student with a Specific Learning Disability under the IDEA, which impacts mathematics. She attends classes at both XXXXXX High School and XXXXXXXXXXXXXXXXXXXXXXXX Center, and has an IEP that requires the provision of special education instruction and related services. It is anticipated that the student will graduate with a Maryland high School Diploma at the end of the 2015-2016 school year (Docs. a and b).

During the time period covered by this investigation, the complainant participated in the education decision-making process and was provided with written notice of the procedural safeguards (Docs. a and b).

FINDINGS OF FACTS:

XXXXXXXXXXXXXXXXXXXXXXXXXXXX (XXXXXXX)

1. The IEP that was in effect at the start of the 2015-2016 school year required that the student be provided with special education instruction in math for fifteen (15) minutes each week (Docs. a, c, and e)
2. The IEP was revised on February 4, 2016 to require that special education instruction in math be provided for thirty (30) minutes each week (Docs. b, d, and e)
3. There is no documentation that the student received special education instruction while at the XXXXXX (Docs. a, b, g, and an interview with the school staff).

XXXXXXXXXXXX High School (XXXXXXXX HS)

4. The IEP in effect at the start of the 2015-2016 school year requires that the student be provided with special education instruction in math for one (1) hour and thirty (30) minutes each week (Doc. a, c, and e).
5. At the start of the 2015-2016 school year, the student was enrolled in a one semester Algebra II course. While the student's first quarter progress report states that the student was "making sufficient progress" to meet the math goal, she was failing the class and was moved to a math resource class instead. The second quarter progress report continues to indicate that the student was making progress but there is no documentation that supports the basis for the progress documented on the IEP (Docs. f, g, and an interview with the school staff).

DISCUSSION/CONCLUSIONS:

The public agency must ensure that special education services, accommodations, and supplementary aids and services, are provided in accordance with each student's IEP (34 CFR §§300.101 and .323).

Based on the Findings of Facts #1 - #3, the MSDE finds that there is no documentation that the student has been provided with special education instruction in math while at XXXXXX, as required by the IEP. Further, based on the Findings of Facts #4 and #5, the MSDE finds that the progress reported on the math goal was inconsistent with the data that was used to measure the progress, when the student was enrolled in a math class at XXXXXX HS. Therefore, this office finds that a violation has occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the CCPS to provide documentation by the end of the 2015-2016 school year, that the IEP team has convened and determined the amount and nature of compensatory services or other remedy to redress the lack of the provision of special education instruction.

In this case, the compensatory services must be designed to assist the student in preparing for post secondary school activities. These services may be provided to the student beyond the end of the 2015-2016 school year, but must be provided within one (1) year of the date of the Letter of Findings.

The CCPS must ensure that the complainant is provided with written notice of the team's decisions. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions, in accordance with the IDEA.

School-Based

The MSDE requires the CCPS to provide documentation by the start of the 2016-2017 school year of the steps it has taken to ensure that the XXXXX and XXXXXX HS staff have been provided with training to ensure compliance with requirements for IEP implementation.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that both the complainant and the CCPS 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 facts 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 within the timelines reported in this Letter of Findings.

XXX
Mr. Russell Gray
May 27, 2016
Page 5

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. 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 a Free Appropriate Public Education (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 a due process complaint.

Sincerely,

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

MEF:ac

c: Stephen Guthrie
Wayne Whalen
XXXXXXXXXX
Dori Wilson
Anita Mandis
Albert Chichester
Nancy Birenbaum