



Nancy S. Grasmick
State Superintendent of Schools

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

October 24, 2006

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Ms. Idalyn Hauss
Director of Special Education
Baltimore City Public Schools
200 East North Avenue, Room 204B
Baltimore, MD 21202

RE: XXXXX
Reference: #07-012

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 our investigation.

ALLEGATION:

On September 5, 2006, MSDE received correspondence from Ms. XXXXXXXXXXXXX, the student's mother, hereafter, "the complainant," filed on behalf of the above-referenced student. In that correspondence, the complainant alleged that BCPSS violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and the corresponding federal and State regulations with respect to the above-referenced student. This office investigated the allegation that the student was not provided with the Extended School Year (ESY) services required by the Individualized Education Program (IEP) during the summer of 2006, in accordance with 34 CFR §§300.309(a)(2) and .350.

INVESTIGATIVE PROCEDURES:

1. Ms. Kendra Riley, Education Program Specialist, MSDE was assigned to investigate the complaint.

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2. On September 12, 2006, Ms. Riley contacted the complainant to clarify the allegation to be investigated.
3. On September 6, 2006, a copy of the complaint was provided by facsimile to Ms. Idalynn Hauss, Interim Director of Special Education, BCPSS; Ms. Maryanne Ralls, then Acting Student Services Officer, BCPSS; and Ms. Nancy Ruley, Associate Counsel, Office of Legal Counsel, BCPSS.
4. On September 13, 2006, MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, MSDE also notified Ms. Hauss of the allegation to be investigated and requested that her office review the alleged violation.
5. On October 6, 2006, MSDE received a written response to the allegation from BCPSS.
6. On October 10, 2006, Ms. Riley conducted a telephone interview with Mr. Ron Grove, Attorney, BCPSS.
7. Documentation provided by the parties was reviewed. The documents referenced in the Letter of Findings (LOF) include:
 - a. Correspondence from complainant to MSDE, dated September 5, 2006; and
 - b. Written response to the allegation from BCPSS to MSDE, dated October 6, 2006.

BACKGROUND:

The student is six (6) years old. He is identified as a student with autism under IDEA and receives special education and related services. He attends XXXXXXXX Elementary School (XXXXXX ES) (Docs. a and b).

SUMMARY OF FINDINGS/CONCLUSIONS:

BCPSS personnel acknowledge that the student did not receive ESY services during the summer of 2006, as recommended by the IEP team during the 2005-2006 school year, in accordance with the regulations. BCPSS staff report that XXXXXXXX ES did not properly inform the BCPSS Central Office Staff responsible for the provision of ESY services, and as a result, BCPSS did not provide ESY services to the student. MSDE appreciates the response and acknowledgment by BCPSS and concurs with the school system's findings (Doc. b).

CORRECTIVE ACTION/TIMELINES:

Student-Specific

To remediate the violation with respect to the provision of ESY services, BCPSS proposes to convene an IEP team meeting by October 27, 2006 to determine the amount of *compensatory services*¹ necessary to redress the identified violation. MSDE finds that the corrective action proposed by the school system satisfactorily remediates this matter. MSDE requires that BCPSS submit documentation to this office regarding the determination of the amount and nature of the compensatory services. If the parent disagrees with the determination, the parent may exercise her right to request mediation or a due process hearing, in accordance with IDEA 2004.

School-Based

BCPSS proposes to determine if there is a pattern of noncompliance at XXXXXX ES with similarly situated students. In the event of a pattern of noncompliance at XXXXXX ES, BCPSS then proposes to develop a corrective action plan. MSDE concurs with BCPSS' proposal and requires that BCPSS inform MSDE of the steps that will be taken regarding this corrective action plan, if necessary, including a description of how BCPSS will evaluate the effectiveness of the steps taken.

The school-based corrective action must be completed within sixty (60) days of the date of this LOF. Within fifteen (15) days of completing each corrective action, BCPSS shall submit documentation of completion of the required action. This documentation is to be submitted to this office to: Attention: Chief, Complaint Investigation/Due Process Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Ms. Martha Roulette, Education Program Specialist, MSDE. She may be reached at (410) 767-0255.

Please be advised that the parties have the right to submit additional written documentation to this office within fifteen (15) days of the date of this LOF if they disagree with the conclusions. The additional written documentation must not have been provided or otherwise been available to this office during the complaint investigation and must be related to the issues identified and addressed in the LOF. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, amend its findings and conclusions, set forth additional findings and conclusions, or enter new findings and conclusions.

¹ Compensatory services, for the purposes of this letter, mean the determination by the IEP team as to "how to remediate the denial of [appropriate] services [to the student] . . ." (34 CFR §300.660(b)(1)). This does not address compensable awards under the *Vaughn G.* Consent Decree.

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Questions regarding the findings of fact, conclusions, or corrective actions contained in this LOF should be addressed to this office in writing. The student's parent and the school system maintain the right to initiate mediation or a due process hearing consistent with IDEA 2004. The MSDE recommends that this LOF be included with any request for mediation or due process.

Sincerely,

Carol Ann Baglin, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAB/kr

c: Charlene Cooper Boston
XXXXXXXXXXXXXXXX
Ron Grove
Harry Fogle
Gail Dunlap
XXXXXXXXXXXX
Edward L. Wulkan
Kendra Riley