



Karen B. Salmon, Ph.D.
State Superintendent of Schools

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June 8, 2016

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Ms. Rebecca Rider
Director, Office of Special Education
Baltimore County Public Schools
Office of Special Education
The Jefferson Building
105 West Chesapeake Avenue

RE: XXXXX
Reference: #16-106

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 April 12, 2016, the MSDE received a complaint from Ms. XXXXXXXXXXXXXXX, hereafter, “the complainant,” on behalf of her daughter, the above-referenced student. In that correspondence, the complainant alleged that the Baltimore County Public Schools (BCPS) 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 BCPS did not ensure that the student has not been provided with additional adult support, sensory items, and counseling services, as required by her Individualized Education Program (IEP) since January 2016, in accordance with 34 CFR §§300.101, and .323.

INVESTIGATIVE PROCEDURES:

1. On April 12, 2016, MSDE sent a copy of the complaint, via facsimile, to Ms. Rebecca Rider, Director of Special Education, BCPS, and Ms. Conya Bailey, Compliance Supervisor, BCPS.
4. On April 18, 2016, Mr. Gerald Loiacono, Complaint Investigator, MSDE, conducted a telephone interview with the complainant and identified the allegation for investigation.
5. On April 25, 2016, Mr. Loiacono contacted Ms. Bailey by electronic mail to arrange a review of the student's educational record.
6. On May 6, 2016, Mr. Loiacono conducted a review of the student's educational record at the XXXXXXXXXX School.
7. On May 11, 2016, the complainant spoke with Mr. Loiacono to clarify the allegation, and provided the MSDE with additional documentation.
8. On May 12, 2016, the BCPS provided the MSDE with additional documentation.
9. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEP, dated November 18, 2015;
 - b. IEP Team Meeting Summary, dated March 15, 2016;
 - c. Social Work Service Log, dated from November 19, 2015 to May 26, 2016;
 - d. Student and instructional assistant schedules, undated;
 - e. "Supplementary Aids Date Sheet", dated from January 4, 2016 to April 22, 2016;
 - f. Electronic Mail (Email) correspondence between the complainant and the school staff, dated from January 4, 2016 to April 11, 2016;
 - g. Correspondence from BCPS staff to the complainant, dated April 15, 2016;
 - h. Autism and XXXXXXXX training materials, dated December 11, 2015;
 - i. Materials developed by the student's former dedicated assistant, undated; and
 - j. Correspondence from the complainant containing allegations of violations of the IDEA, received by the MSDE on April 12, 2016.

BACKGROUND:

The student is eight years old and attends XXXXXXXXXXXXXXXX School. She is identified as a student with Autism under the IDEA and has an IEP that requires the provision of special education instruction and related services (Doc. a).

There is documentation that the complainant participated in the education decision-making process and was provided with written notice of the procedural safeguards during the time period addressed by this investigation (Doc. a).

FINDINGS OF FACTS:

1. The student's IEP, developed on November 14, 2015 requires that the student be provided with sensory items such as a "fidget box" and manipulatives, weekly meetings with the social worker for a "consultation", and be provided with an "adult assistant". The adult assistant is intended to "assist the student with communication, sensory needs and help her attend to instruction."
2. There is documentation that the student has been provided with sensory items, dedicated "adult assistant" services, and social worker consultations since January 2016 (Docs. c to g).
3. On January 4, 2016, the complainant contacted the school staff to express her concern that the additional adult support, as required by the student's IEP, was not being consistently provided. There is documentation that the school staff explained that individuals who were qualified as instructional assistants or paraeducators were serving as dedicated assistants to the student (Docs. h and i).
4. The IEP further requires that all adults working with the student have training in autism and selective mutism (Doc. a).
5. There is documentation that all of the adults working with the student have received training as required by the student's IEP (Docs. b, g, and h).

DISCUSSION/CONCLUSIONS:

The public agency must ensure that each student is provided with the special education instruction and related services required by the student's IEP (34 CFR §300.101).

Based on Findings of Facts #1-5, the MSDE finds that there is documentation that the services and supports required by the student's IEP have been provided to the student since January 2016. Therefore, this office does not find that a violation occurred.

TIMELINE:

Please be advised that the BCPS and the complainant have the right to submit additional written documentation to this office within fifteen 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

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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.

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 Free and 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 due process.

Sincerely,

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

MEF:gl

c: S. Dallas Dance
Conya Bailey
XXXXXX
Dori Wilson
Anita Mandis
Gerald Loiacono