



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

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December 23, 2016

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Ms. Rebecca Rider  
Director of Special Education  
Baltimore County Public Schools  
The Jefferson Bldg. 4<sup>th</sup> Floor  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: XXXXX  
Reference: #17-049

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.

**ALLEGATION:**

On November 2, 2016, the MSDE received a complaint from Ms. XXXXXXXXX, hereafter, "the complainant," on behalf of 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 her daughter, the above-referenced student.

The MSDE investigated the allegation that the BCPS has not ensured that the student's Individualized Education Program (IEP) has been implemented since August 24, 2016, in accordance with 34 CFR §§300.101 and .323.

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**INVESTIGATIVE PROCEDURES:**

1. On November 2, 2016, the MSDE received the State complaint and documentation to be considered.
2. On November 3, 2016, the MSDE sent a copy of the complaint, via facsimile, to Ms. Rebecca Rider, Director of Special Education, BCPS.
3. On November 4, 2016, Mr. Albert Chichester, Complaint Investigator, MSDE, conducted a telephone interview with the complainant to discuss the allegation.
4. On November 7, 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 Ms. Rider of the allegation to be investigated and requested that her office review the alleged violation.
5. On December 16, 2016, the MSDE received a written response from the BCPS which acknowledged a violation with respect to the allegation.
6. Documentation provided by the parties was reviewed. The documents referenced in this Letter of Findings include:
  - a. IEP, dated April 6, 2016;
  - b. Correspondence, dated December 20, 2016, from the BCPS Central Office staff;
  - c. BCPS compensatory services agreement; dated November 22, 2016;
  - d. Meeting summary, dated November 9, 2016;
  - e. Documentation of services provided, dated between September 26, 2016 and December 22, 2016; and
  - f. Correspondence from the complainant containing an allegation of a violation of the IDEA, received by the MSDE on November 2, 2016.

**BACKGROUND:**

The student is nine (9) years old and is identified as a student with a Other Health Impairment under the IDEA, related to Attention Deficit Hyperactivity Disorder (ADHD). She attends the XXXXXXXXXXXXXXXXX and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services (Doc. a).

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 (Doc. a).

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### **SUMMARY OF FINDINGS AND CONCLUSIONS:**

In its written response, the BCPS acknowledges that a violation has occurred with respect to the allegation. Specifically, the BCPS acknowledges that the student was not provided with outside general education service hours required by the IEP, from the start of the 2016 - 2017 school year until September 26, 2016. The BCPS has provided documentation that the IEP has been implemented since September 26, 2016 (Docs. a - f).

The MSDE concurs with the BCPS' conclusion and appreciates the school system's response to the investigation.

### **CORRECTIVE ACTION:**

#### **Student-Specific**

On November 9, 2016, the BCPS convened an IEP team meeting and determined the compensatory services to remediate the violation and determined that the provision of these services would be completed by the end of the 2016 - 2017 school year. Therefore, no additional student-specific corrective action is required.

The MSDE requires the BCPS to provide documentation by June 30, 2017, that the corrective action proposed by the BCPS has been completed.

#### **School-Based**

The MSDE requires the BCPS to provide documentation by the end of the 2016 - 2017 school year, of the steps it has taken to determine if the violations identified in the Letter of Findings are unique to this case or if they represent a pattern of noncompliance at the XXXXXXXXXXXXXXXXXX. Specifically, a review of student records, data, or other relevant information must be conducted in order to determine if the regulatory requirements are being implemented and documentation of the results of this review must be provided to the MSDE. If compliance with the requirements is reported, the MSDE staff will verify compliance with the determinations found in the initial report.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, the MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

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## **TECHNICAL ASSISTANCE:**

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

Please be advised that both the complainant and the BCPS 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 timeline reported in this Letter of Findings.

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 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: S. Dallas Dance Anita Mandis  
Conya Bailey Albert Chichester  
XXXXXXXXXX Bonnie Pries  
Dori Wilson