



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

March 26, 2018

XXX
XXX
XXX

Ms. Rebecca Rider
Director, Office of Special Education
Baltimore County Public Schools
The Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: XXXXX
Reference: #18-089

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 February 6, 2018, the MSDE received a complaint from Ms. XXXX, hereafter, “the complainant,” on behalf her son, 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 the student.

The MSDE investigated the allegation that the BCPS did not ensure that the complainant was provided with proper notice of the Individualized Education Program (IEP) team meeting held in February 2017, in accordance with 34 CFR §300.322.

BACKGROUND:

The student is six (6) years old. On January 30, 2018, he was identified as a student with a disability under the IDEA, related to a Developmental Delay.

The student currently attends XXXXXXXXXXXXXXXXXXXX. Prior to the 2017-2018 school year, the student attended XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

FINDINGS OF FACTS:

1. On January 26, 2017, the complainant was provided a notice of an IEP team meeting to be held on February 8, 2017. The purpose of the proposed meeting was to “Conduct annual review of IEP and discussion of need for extended school year service.”
2. On February 8, 2017, the IEP team met, with the complainant in attendance. At the meeting, the IEP team conducted a reevaluation for the student, and determined that he no longer qualified for special education services. The IEP team determined that “an impairment exists but [student] does not need special education.” The IEP team documented the complainant’s disagreement with the team’s eligibility determination.
3. On January 30, 2018, following a request by the complainant for another IDEA evaluation, the student was determined to again be a student with a disability eligible for services under the IDEA.

DISCUSSION/CONCLUSIONS:

In this case, the complainant asserts that she was not provided with proper notice of the purpose of the IEP team meeting held on February 8, 2017, and as a result, was not able to fully participate in the meeting.

Based on Findings of Facts #1-#3, the MSDE finds that the complainant was not provided proper notice of the purpose of the IEP team meeting held on February 7, 2018, in accordance with 34 CFR §300.322. Therefore, this office finds that a violation occurred.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the BCPS to provide documentation, by May 1, 2018, that the IEP team has determined the compensatory services necessary to address the loss of special education services since February 8, 2017.

The BCPS must provide documentation, within one (1) year of the date of this Letter of Findings, that the student has been provided with the compensatory services or other remedy determined by the IEP team as a result of this investigation, or documentation of parent refusal of such compensatory services or other remedy.

School -Based

The MSDE requires that the BCPS provide documentation by May 1, 2018, of the steps taken to ensure the future compliance with requirements for conducting IEP team meetings at
XXXXXXXXXXXXXXXXXXXXXXXXXXXX.

XXX

Ms. Rebecca Rider

March 26, 2018

Page 3

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

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 the PGCPs and the complainant have the right to submit additional written documentation to this office 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 within the timelines 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 student's parents 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 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/gl

c: Verletta White
Conya Bailey
XXXXXXXXXXXX
Dori Wilson
Anita Mandis
Nancy Birenbaum
Gerald Loiacon