



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

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April 27, 2018

Mark B. Martin, Esq.  
One North Charles Street  
Suite 1215  
Baltimore, Maryland 21201

Dr. Debra Brooks  
Director of Special Education  
Baltimore City Public Schools  
200 East North Avenue, Room 204-B  
Baltimore, Maryland 21202

RE: XXXXX  
Reference: #18-110

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 March 2, 2018, the MSDE received a complaint from Mark B. Martin, Esq., hereafter, “the complainant,” on behalf of the above-referenced student and her parents, Mr. XXXXXX and Mrs. XXXXXX. In that correspondence, the complainant alleged that the Baltimore City 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 has not offered a Free Appropriate Public Education (FAPE) to the student since March 2017, in accordance with 34 CFR §§300.101, .111, .112, and *Forest Grove School District v. T.A.*, 129 S. Ct. 2484 (2009).

Mark B. Martin, Esq  
Dr. Debra Brooks  
April 27, 2018  
Page 2

**BACKGROUND:**

The student is eleven (11) years old. She is identified as a student with a Specific Learning Disability under the IDEA.

The student is parentally-placed at the XXXXXXXXXXXXX, a nonpublic special education school, and as a result, does not currently have an Individualized Educational Program (IEP).

**SUMMARY OF FINDINGS AND CONCLUSIONS:**

Prior to the filing of the State complaint, the BCPS offered to reimburse the parents for the student's tuition at the XXXXXXXXXXXXX for the 2017-2018 school year. In response to the State complaint, the BCPS acknowledges that the student was not offered a FAPE prior to her parents' unilateral placement at the XXXXXXXXXXXXX. Further, in addition to the offer to reimburse the parents for the 2017-2018 school year, the BCPS will convene an IEP team meeting on May 7, 2018 to develop an appropriate IEP. The BCPS will also consider the complainant's request for additional remedies, including tuition reimbursement for the XXXX XXXXXX for the 2018-2019 school year, which will be determined at the IEP team meeting.

The MSDE concurs with the BCPS' findings and proposed corrective action, and appreciates the school system's efforts to resolve the matter prior to the filing of the State complaint. Therefore, no further corrective action is required.

**TIMELINE:**

Please be advised that that both the complainants 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 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 parents and the BCPS 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 FAPE for the student, including issues subject to this State complaint investigation, consistent with the IDEA.

Mark B. Martin, Esq  
Dr. Debra Brooks  
April 27, 2018  
Page 3

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: Sonja Brookins Santelises  
Darnell Henderson  
XXXXXXXX  
Dori Wilson  
Anita Mandis  
Albert Chichester  
Nancy Birenbaum