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Dr. Debra Brooks

May 14, 2018

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FINDINGS OF FACTS:

1. The IEP includes goals for the student to increase his vocabulary by clarifying the meaning of unknown and multi-meaning words using strategies and to improve his reading comprehension by citing textual evidence to support his analysis of the explicit text meaning as well as drawing inferences. It also includes goals to solve math problems by using variables and developing an understanding of how to apply properties and develop concepts of numbers, write arguments with clear and relevant evidence, and to respond to why, how, and inferentially based questions.
2. The IEP requires special education instruction for three (3) hours per week and speech/language services for one and a half (1.5) hours per week in a separate special education classroom to assist the student with achieving the annual goals.
3. The IEP also requires daily supplementary aids, services, program modifications and supports such as repetition of directions, checking for understanding, use of a timer, frequent and immediate feedback, peer tutoring, provision of a copy of a student or teacher's notes, use of organizational aids, chunking of directions, monitoring of the student while he is working independently, having the student repeat and paraphrase directions, deletion of extraneous information on assignments, chunking of texts, use of pictures to support reading passages to assist in the maintenance of his attention and to increase his understanding of the text.
4. The IEP further requires a home/school communication system to keep the complainant informed of the student's progress and to avoid the escalation of potential problem situations. Further, the special education teacher and the general education teacher are to meet for twenty (20) minutes monthly to discuss the student's access and progress and of the supplementary aids and services in order to access the general education curriculum. The IEP also requires that the speech/language pathologist and a general education teacher meet quarterly to consult and effectively share support for the student in the classroom.
5. In addition, the IEP requires the provision of highlighting, answer masking, frequent breaks, extended time, testing at the optimum time of the day for the student, and reduced distractions to himself as accommodations during testing and instruction.
6. There is documentation that the student has been provided with the amount of speech/language services required by the IEP.
7. There is documentation that the student has been provided with the amount of special education instruction outside of the general education classroom since January 12, 2018.
8. The school system staff acknowledge that, although the school staff were informed of the IEP, the student was not provided with special education instruction prior to January 12, 2018 and that the IEP supports have not been consistently provided in the general education classroom.

9. On March 19, 2018, the IEP team decided that the student would be provided with ten (10) additional hours of special education instruction to compensate for the loss of services up until January 12, 2018.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts #1 - #9, the MSDE finds that there is documentation that the student was not consistently provided with all of the services and supports during the 2017-2018 school year, and that the documentation does support the allegation, in accordance with 34 CFR §§300.530 – .536. Therefore, this office finds that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

By the end of the 2017-2018 school year, the BCPS must provide documentation that the student is being provided with the IEP supports in the general education classroom. The BCPS must also provide documentation that the IEP team has determined the additional compensatory services to adequately address the violation since January 12, 2018.

School-Based

The MSDE requires the BCPS to provide documentation by the start of the 2018-2019 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 XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXX.

Specifically, a review of student records, data, faculty/staff professional development 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.

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.

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TECHNICAL ASSISTANCE:

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

Please be advised that the BCPS 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 be accompanied by a substantial explanation of why it was not provided 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, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The student's parent 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: sf

c: Sonja B. Santelises
Allen Perrigan
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Dori Wilson
Anita Mandis
Sharon Floyd
Bonnie Preis