



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

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June 28, 2018

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

Dr. Michael Bina  
President  
Maryland School for the Blind  
3501 Taylor Avenue  
Baltimore, Maryland 21236

RE: XXXXX  
Reference: #18-181

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 June 14, 2018, the MSDE received a complaint from Mr. XXXXXXXXXXXX, hereafter, “the complainant,” on behalf of his daughter, the above-referenced student. In that correspondence, the complainant alleged that the Baltimore City Public Schools (BCPS) and the Maryland School for the Blind (MSB) 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 and the MSB have not ensured that the student has been provided with the transportation services needed to benefit from special education instruction during the 2017-2018 school year, in accordance with Md. Code Ann., Ed. Art., §§8-303 and 8-410, and 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is ten (10) years old, is identified as a student with Multiple Disabilities under the IDEA, including a Specific Learning Disability, Speech/Language Impairment, and Visual

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Impairment, and has an IEP that requires the provision of special education instruction and related services. The student attends the MSB, where she is placed by the BCPS.

### **FINDINGS OF FACTS:**

1. The student's IEP requires that she be provided with bus transportation to and from school.
2. On June 20, 2018, the MSB convened an IEP team at the request of the BCPS after the MSB informed the BCPS in June 2018 of the complainant's concern that the student's bus was arriving late to school and back to her home after school. The IEP team decided that compensatory services are required to remediate the violation. The team also decided that the transportation staff will be provided with training in order to "handle multiple routes" and that the MSB will log bus arrival times so that the BCPS can monitor to ensure the future provision of appropriate services.
3. The BCPS reports that it will investigate the possibility of assigning the student to another transportation provider in response to the complainant's request. Further, the BCPS it will monitor the services provided to all students by the current transportation provider.

### **CONCLUSIONS:**

Based on the above Findings of Facts, the MSDE finds that the student was not consistently provided with transportation services, in accordance with Md. Code Ann., Ed. Art., §§8-303 and 8-410, and 34 CFR §§300.101 and .323, and that a violation occurred.

Notwithstanding the violation, based on the Findings of Facts #2 and #3, the MSDE further finds that appropriate steps are being taken to remediate the violation and to ensure the future provision of appropriate services. The MSDE appreciates the school system staff's responsiveness and willingness of both the BCPS and MSB staff to work with the complainant to resolve this matter.

### **CORRECTIVE ACTIONS/TIMELINES:**

The MSDE concurs with the proposal for corrective action and requires the BCPS and the MSB to provide documentation by the end of the first quarter of the 2018-2019 school year of the completion of the action and that the student is being provided with appropriate transportation services.

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**TECHNICAL ASSISTANCE:**

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

Please be advised that the parties 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 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 (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:am

c: Sonja Brookins Santelises  
Jacinta L. Hughes  
Allen Perrigan  
XXXXXXXXXX  
Dori Wilson  
Anita Mandis  
Bonnie Preis  
Linda Bluth