



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

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January 17, 2018

Grace Reusing, Esq.
Assistant Public Defender
Office of the Public Defender
Juvenile Protection Division
217 East Redwood Street, Suite 1000
Baltimore, Maryland 21202

Ms. Deborah Grinnage-Pulley
Executive Director, Juvenile Services Education System
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

RE: XXXXX
Reference: #18-043

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE, 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 November 27, 2017, the MSDE received a complaint from Grace Reusing, Esq., Office of the Public Defender, hereafter “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Maryland State Department of Education Juvenile Services Education System (JSES) 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 JSES did not ensure that the student was provided with the opportunity to complete a biology course when he was placed by the Maryland Department of Juvenile Services (DJS) at the XXXXXXXXXXXXXXX (XXX) from July 5, 2017 to November 2017 and a United States history course from July 5, 2017 to September 5, 2017, in accordance with 34 CFR §§300.2, .101, .149, and COMAR 13A.05.11.

BACKGROUND:

The student is seventeen (17) years old, is identified as a student with an Emotional Disability under the IDEA, and has an IEP that requires the provision of special education instruction and related services.

From December 14, 2016 to November 3, 2017, the student was placed by the DJS at the XXX.

FINDING OF FACT:

1. The student was identified as a student with a disability under the IDEA at the XXX during the time period covered by this investigation. However, the student was released by the DJS back into the community before written consent was obtained to initiate IEP services.

DISCUSSION/CONCLUSIONS:

In this case, the complainant alleges that the JSES did not provide the student with the special education and related services needed to progress in the general curriculum in the areas of history and science.

Based on the Finding of Fact, the MSDE finds that the JSES could not provide the student with special education and related services to assist him to progress in the general curriculum until written consent was obtained for the initiation of those services, which was after he was released back into the community. Therefore, this office does not find that an IDEA violation occurred.

TIMELINE:

Please be advised that the complainant and the JSES 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.

Questions regarding the findings of facts, conclusions, and corrective actions contained in this letter should be addressed to this office in writing. The student's parents and the JSES 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

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(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 due process.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MEF/am

c: XXXXXXXX
 Carol A. Williamson
 Sylvia A. Lawson
 Crystal Fleming-Brice
 Tiombe Olumiji
 Dawn Hubbard
 XXXXXXXX
 Dori Wilson
 Anita Mandis
 Nancy Birenbaum