



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

October 12, 2018

XXX
XXX
XXX

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

RE: XXXXX
Reference: #19-024

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 August 21, 2018, the MSDE received a complaint from Ms. XXXXXXXX, hereafter, “the complainant,” on behalf of her son, the above-referenced student. 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 did not ensure that the student was provided with transportation services required by the Individualized Education Program (IEP) during the 2017 - 2018 school year, in accordance with 34 CFR §§300.101, .323, Md. Code Ann., Educ. §8-410 and COMAR 13A.06.07.

BACKGROUND:

The student is twelve (12) years old and is identified as a student with an Other Health Impairment under the IDEA, related to Attention Deficit Hyperactivity Disorder. He attends XXXXXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

XXX

Dr. Debra Brooks

October 12, 2018

Page 2

FINDINGS OF FACTS:

1. The IEP required that the student be provided with transportation as a related service during the 2017-2018 school year, to and from school, due to “safety concerns related to his disability.”
2. There is documentation that the complainant contacted the school staff by electronic mail (email) on several occasions throughout the 2017 - 2018 school year, indicating that the school bus had either arrived late to pick up the student for school or did not arrive at all to pick up the student for school.
3. On May 10, 2018, the IEP team convened to address concerns raised by the complainant. The IEP meeting summary reflects that the student was, at times, “picked up or dropped off late to school or not at all.” However, the IEP team determined that there were “no harmful effects” to the student as a result of the transportation issues, but that the school staff would work with the Office of Transportation to resolve the issues.
4. On September 6, 2018, the complainant reported that the student’s school bus had picked him up from home on time for school, and that a different school bus contractor was being used to provide him with transportation services during the 2018 - 2019 school year.
5. On October 4, 2018, the IEP team convened to discuss the complainant’s filing of this State complaint with regard to the lack of transportation services provided to the student during the 2017-2018 school year. The BCPS determined that, as a result of the previous school year’s transportation issues, the student was late to school twenty-two (22) times and absent from school thirteen (13) times. The team reviewed the student’s current progress and determined that he would receive thirty-five (35) hours of compensatory services for the lack of the provision of instruction during the 2017 - 2018 school year, as a result of the transportation issues. There is documentation that the complainant agreed to the compensatory services offered by BCPS.

CONCLUSION:

Based on the Findings of Facts #1- #5, the MSDE finds that the BCPS did not ensure that the student was provided with the transportation services required by the IEP during the 2017 - 2018 school year, in accordance with 34 CFR §§300.101, .323, Md. Code Ann., Educ. §8-410 and COMAR 13A.06.07. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violation, based on the Finding of Fact #5, the MSDE finds that the IEP team determined compensatory services for the lack of the provision of instruction as a result

XXX
Dr. Debra Brooks
October 12, 2018
Page 3

of the transportation services for the student during the 2017-2018 school year, and that the complainant agreed to the offer of compensatory services. Therefore, no further student-specific corrective action is required.

CORRECTIVE ACTION/TIMELINES:

The MSDE requires the BCPS to provide documentation by December 31, 2018, that it has identified all similarly-situated students on the same school bus as the student during the 2017 - 2018 school year, and has offered compensatory services or other remedy for any loss of instruction that resulted from the violation identified in this Letter of Findings.

TECHNICAL ASSISTANCE:

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

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation.

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 Early Intervention and Special Education Services

MEF:ac

c: Sonja B. Santelises
Allen Perrigan
XXXXXX
Dori Wilson
Anita Mandis
Albert Chichester
Linda Bluth
Bonnie Preis