



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

December 11, 2018

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Ms. Rebecca Rider  
Director of Special Education  
Baltimore County Public Schools  
The Jefferson Building  
105 West Chesapeake Avenue  
Towson, Maryland 21204

RE: XXXXX  
Reference: #19-048

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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 October 15, 2018, the MSDE received a complaint from Ms. XXXXXX, hereafter, “the complainant,” on behalf of her daughter, the above-referenced student. In that correspondence, the complainant alleged that the Baltimore County Public Schools (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the allegation that the BCPS has not provided the student with the Extended School Year (ESY) services required by the Individual Education Program (IEP) during the summer of 2018, in accordance with 34 CFR §300.101.

**BACKGROUND:**

The student is eight (8) years old, is identified as a student with a Specific Learning Disability under the IDEA, and has an IEP that requires the provision of special education and related services. She attends XXXXXXXXXXXXXXXXXXXXXXXX.

**FINDINGS OF FACTS:**

1. The IEP states that the student requires ESY services to assist her in achieving reading, math, and written language goals.
2. The IEP also states that the student is to be provided with three (3) hours of special education instruction five (5) times per week for a total of fifteen (15) hours per week of ESY services. However, in its description of the delivery of this service, the IEP indicates that the student was to be provided with three (3) hours and ten (10) minutes of services per day.
3. The logs of services of ESY tutors contracted for special education services during the summer of 2018, document that ESY services were provided, but that the amount of services did not equal at least three (3) hours per day.

**DISCUSSION/CONCLUSIONS:**

Based on the Findings of Facts #1 - #3, the MSDE finds that while, ESY services were provided, the IEP was not written clearly with respect to the amount of services required and therefore, the BCPS did not ensure that the student was provided with the appropriate amount of services, required by the IEP, in accordance with 34 CFR §300.101. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

**CORRECTIVE ACTIONS/TIMELINES:**

**Student Specific**

The MSDE requires the BCPS to provide documentation, by February 1, 2019, that the IEP team has reviewed and revised the IEP to ensure that includes a clear statement of the amount of ESY services required and determined the amount and nature of compensatory services or other remedy to redress the violation and developed a plan for the provision of those services within a year of the date of this Letter of Findings.

The BCPS must also ensure that the complainant is provided with written notice of the IEP team's decisions. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the IEP team's decisions.

**School Based**

The MSDE requires the BCPS to provide documentation by March 1, 2019, of the steps it has taken to ensure that each IEP at XXXXXXXXXXXXXXXXXXXXXXX includes a clear statement of the amount of special education and related services required. The documentation must include

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a description of how the BCPS will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not recur.

**TECHNICAL ASSISTANCE:**

Technical assistance is available to the complainant and the BCPS by Bonnie Preis, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE. Ms. Preis can be reached 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. Pending this office's decision on a request for reconsideration, the public agency 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 complainant 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 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 a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.

Assistant State Superintendent

Division of Early Intervention and Special Education Services

MEF: sf

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XXXXXX

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