



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

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February 1, 2019

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Ms. Rebecca Rider  
Director of Special Education  
Baltimore County Public Schools  
The Jefferson Bldg. 4<sup>th</sup> Floor  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: XXXXX  
Reference: #19-077

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education 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 December 4, 2018, the MSDE received a complaint from Ms. XXXXXXXXXXXX, hereafter, “the complainant,” on behalf of 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 above-referenced student.

The MSDE investigated the allegation that the BCPS has not provided the student with a Free Appropriate Public Education (FAPE) since May 2018, in accordance with 34 CFR §§300.101, .323, .324 and COMAR 13A.05.01.08B. Specifically, the complainant alleged the following:

- a. The BCPS did not follow proper procedures when making an Extended School Year (ESY) determination in May 2018.
- b. The BCPS did not ensure that the Individualized Education Program (IEP) was reviewed and revised to address the student’s academic and social/emotional needs.

**BACKGROUND:**

The student is eleven (11) years old and is identified as a student with a Specific Learning Disability under the IDEA, and has an IEP that requires the provision of special education instruction and related services. He attends XXXXXXXX.

**FINDINGS OF FACTS:**

1. The BCPS acknowledges that a violation has occurred with respect to the allegation. Specifically, the BCPS acknowledges that an ESY services determination was not made for the student for the summer of the 2018 school year, and that his IEP was reviewed in October 2018 and November 2018, but was not revised to address his academic and social/emotional needs, as determined by the IEP team.
2. On January 24, 2019, the IEP team convened to review and revise the student's IEP and to determine ESY services for the summer of the 2019 school year.

**CONCLUSION:**

Based on the Finding of Fact #1, the MSDE finds that the BCPS did not make an ESY services determination in the summer of the 2018 school year. Further, based on the Findings of Facts #1 and #2, the MSDE finds that the BCPS did not revise the student's IEP to address his academic and social/emotional needs, until January 24, 2019, in accordance with 34 CFR §§300.101, .323, .324 and COMAR 13A.05.01.08B. The MSDE appreciates the BCPS acknowledgement and finds that a violation occurred with respect to the allegation, until January 24, 2019.

**CORRECTIVE ACTIONS/TIMELINE:**

**Student-Specific**

The MSDE requires the BCPS to provide documentation by April 1, 2019 that the IEP team has determined the compensatory services to remediate the violation identified through this investigation and developed a plan for the implementation of the services within one year of the date of this Letter of Findings.

The BCPS must provide documentation, within one (1) year of the date of this Letter of Findings, that the student has been provided with the compensatory services determined by the IEP team as a result of this investigation, or documentation of parent refusal of such compensatory services or other remedy.

**School-Based**

The MSDE requires the BCPS to provide documentation by April 1, 2019 of the steps taken to ensure that the violation identified does not recur at XXXXXXXXXXXXXXXXXXXX.

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**TECHNICAL ASSISTANCE:**

Technical assistance is available to the parties by contacting Ms. Bonnie Pries, 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. 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.

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 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/Special Education Services

MEF:ac

c: Verletta White  
Daniel Martz  
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