




**Mohammed Choudhury**  
State Superintendent of Schools

July 23, 2021




Dr. Katherine Pierandozzi  
Director of Special Education  
Baltimore County Public Schools  
6901 Charles Street  
Towson, Maryland 21204

RE:   
Reference: # 21-105

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 May 24, 2021, the MSDE received a complaint from Mr.  hereafter “the complainant,” on behalf of his 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 did not ensure an opportunity for parent participation in the Individualized Education Program (IEP) team meeting held on May 4, 2021, to determine placement, in accordance with 34 CFR §§300.322, .327 and .501, and COMAR 13A.05.01.07D.

**BACKGROUND:**

The student is eleven (11) years old and attends [REDACTED] School. She is identified as a student with Autism under the IDEA and she has an IEP that requires the provision of special education and related services.

**FINDINGS OF FACTS:**

1. On April 20, 2021, a written invitation was sent to the complainant for an IEP team meeting scheduled to be held on May 4, 2021. The invitation included information about who was expected to attend.
2. On April 27, 2021, an electronic (email) correspondence including the draft IEP, was sent from the IEP chairperson to the complainant. Included in that email was information that, in addition to the participants listed on the written invitation of April 20, 2021, that “a representative from the Office of Special Education will be in attendance at the team meeting for next Tuesday, May 4, 2021.” The IEP chairperson also informed the complainant that there would be a discussion of a potential program for the student at [REDACTED] ([REDACTED]). The IEP chairperson stated that the Least Restrictive Environment (LRE) page in the draft IEP “had been intentionally left blank because a discussion will take place at the meeting table.”
3. The May 4, 2021, prior written notice (PWN), from the IEP meeting reflects that the placement decision was discussed by all in attendance, including the complainant.

**DISCUSSION/CONCLUSION:**

In this case, the complainant alleges that the IEP team notification did not include who would be in attendance and that the school staff predetermined the student’s placement by inviting a representative from another school.

Based on the Findings of Facts #1 - #3, the MSDE finds that the documentation does not support the allegation that the placement decision was predetermined. Further, based on those Findings of Facts, the MSDE finds that, while the meeting invitation was provided at least ten (10) days before the meeting, the information about who would be in attendance was not provided within the required timeframe, in accordance with 34 CFR §§300.322, .327 and .501, and COMAR 13A.05.01.07D. Therefore, this office finds a violation occurred.

Notwithstanding the violation, based on the Finding of Fact #3, the MSDE finds that there is documentation that the violation did not impact the complainant’s ability to participate in the decision-making process. Therefore, no student-based corrective action is required.

**CORRECTIVE ACTION/TIMEFRAMES:**

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable timeframes below to ensure that noncompliance is corrected in a timely manner. This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the timeframes below may not be met, or if either party seeks technical assistance, they should contact Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Dr. Birenbaum can be reached at (410) 767-7770.


**School-Based:**

The MSDE requires the BCPS to provide documentation of the steps it has taken to ensure that the violation does not recur at [REDACTED].

The documentation must include a description of how the school system will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not reoccur. Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Early Intervention and Special Education Services, MSDE.

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 timeframes 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 Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA.


  
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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/sef

c: Darryl L. Williams  
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