



Mohammed Choudhury  
State Superintendent of Schools

May 13, 2022



Dr. Kathrine Pierandozzi  
Executive Director of Special Education  
Baltimore County Public Schools  
105 West Chesapeake Avenue  
Towson, Maryland 21204

RE: [REDACTED]  
Reference: #22-114

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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.

**ALLEGATIONS:**

On March 15, 2022, the MSDE received a complaint from Ms. [REDACTED] 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 following allegations:

1. The BCPS has not followed proper procedures when conducting an evaluation of the student, since December 2021, in accordance with 34 CFR §§300.111 and .301-.311 and COMAR 13A.05.01.06.
2. The BCPS did not ensure that a copy of the procedural safeguards notice was provided to the parent, in December 2021, in accordance with 34 CFR §300.504.

**BACKGROUND:**

The student is six years old and was formerly identified as a student with a Developmental Delay under the IDEA and had an Individualized Education Program (IEP) that required the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. On December 17, 2018, the student was determined eligible as a student with a disability related to a Developmental Delay.
2. Following the 2018-2019 school year the complainant decided not to enroll the student in the pre-kindergarten program at the student's comprehensive school.
3. On December 7, 2021, the complainant emailed school staff at the student's neighborhood school explaining that the student was receiving private educational services, and that the IEP developed for him in 2019 was not appropriate to meet his needs. She inquired as to what steps would be necessary for the student to be placed in a non-public school.
4. On December 21, 2021, the school staff responded to the parent and explained that the IEP team would be unable to respond to the parent's request for placement until the student enrolled in a school.
5. On March 2, 2022, the school staff sent correspondence to the complainant indicating that an IEP team meeting would be convened for the student to consider information from the parent and consider the need for a reevaluation of the student.
6. While there is documentation that the IEP team met on March 17, 2022, and May 4, 2022, to conduct an evaluation of the student, there is no documentation, to date, that the IEP team has completed its review of the student's IEP.
7. There is documentation that the complainant was provided with a copy of the Procedural Safeguards Notice for the first time in the 2021-2022 school year following the March 17, 2022, IEP team meeting.

**DISCUSSION/CONCLUSIONS:**

**Allegation #1: Child Find**

Each Local Education Agency (LEA) must locate, identify, and evaluate all students with disabilities located in the school district served by the LEA, in accordance with the IDEA child find requirements. This includes students who are homeless, those who are wards of the State, and those attending private schools (34 CFR §§300.111).

The LEA must make a Free Appropriate Public Education (FAPE) available to all students who are identified with disabilities located in the school district serviced by the LEA. This is done through the development and implementation of an Individualized Education Program (IEP) (34 CFR §§300.101).

Based on the Findings of Facts, #1-#6, the MSDE finds that the BCPS did not appropriately respond to the complainant's December 7, 2021, inquiry, in accordance with 34 CFR §300.111. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

### **Allegation #2: Procedural Safeguards**

Based on Finding of Fact #7, the MSDE finds that the BCPS did not ensure that the complainant was provided with a copy of the Procedural Safeguards Notice at the time of the IDEA evaluation on March 17, 2022, in accordance with 34 CFR §300.504. Therefore, this office finds a violation with respect to this allegation.

Notwithstanding the violation, based on the same Finding of Fact, the MSDE finds that the violation did not negatively impact the complainants' ability to exercise their rights, and the BCPS subsequently provided them with a copy of the notice of procedural safeguards. Therefore, no student-based corrective action is required to remediate the violation.

### **CORRECTIVE ACTIONS/TIMELINES**

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 time frames 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 time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [diane.eisenstadt@maryland.gov](mailto:diane.eisenstadt@maryland.gov).

### **Student-Specific**

The MSDE requires the BCPS to provide documentation by July 1, 2022, that the IEP team has convened following the completion of the review of the student's IEP and determined if the delay in convening the first IEP meeting following the parent's inquiry impacted the student's ability to access her education. If so, the MSDE requires that the IEP team determine the compensatory services or other remedy necessary to remediate the violation.

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The BCPS must ensure that the parents are provided with written notice of the team's decisions. The parents maintain the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

### **School-Based**

The MSDE requires the BCPS to provide documentation by July 30, 2022 of the steps taken to ensure that staff at the student's neighborhood school and informed of, and comply with, the obligations of the BCPS to disabled students who reside in the district but are not enrolled in the BCPS regarding child find and the provision of procedural safeguards.

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 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/Special Education Services

MEF:gl

c: Darryl L. Williams  
Conya Bailey  
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