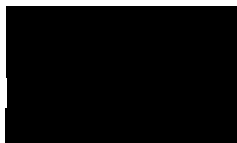




July 12, 2023



Dr. Courtney Hill
Baltimore City Public Schools
200 E. North Avenue
Baltimore, Maryland 21202

RE: [REDACTED]
Reference: #23-235

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.

ALLEGATION:

On May 18, 2023, MSDE received a complaint from Ms. [REDACTED], thereafter, “the complainant,” on behalf of 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.

MSDE investigated the allegation that the BCPS did not follow proper procedures when identifying the student to determine if she is a student with a disability requiring special education and related services, since October 2022, in accordance with 34 CFR §300.301-.311 and COMAR 13A.05.01.06.

BACKGROUND:

The student is 11 years old and attends [REDACTED]. She is not currently identified as a student with a disability under the IDEA.

FINDINGS OF FACTS:

1. On October 5, 2022, the complaint informed the BCPS via email that she “would like to obtain information on how to get an evaluation for an IEP.”
2. On October 11, 2022, the BCPS responded to the parent via email and asked the following questions:
 - What are the current concerns?
 - What trouble is the student having in school? Reading, Math, speech?
 - Has the student ever had IEP/504 services?

- Has the student ever been referred to the SST (Student support Team)?
 - Does the student have a diagnosis? Like ADHD, Autism, etc.
3. On October 11, 2022, the complainant informed the BCPS, that:
 - The student has not had an IEP or been referred for services;
 - The student recently started seeing a psychiatrist; and
 - The complainant has concerns with the student's ability to concentrate and comprehend instructions, and the student is having difficulty in all subjects.
 4. On November 16, 2022, and November 29, 2022, the IEP team met to conduct an evaluation of the student to determine her eligibility under the IDEA.
 5. The "Notice of No Assessment Needed" for an initial evaluation was developed. The notice reflects:
 - The student was referred by her parent due to concerns in the Social/Emotional/Behavioral domain;
 - On November 29, 2022, the BCPS considered a general educator progress report, informal assessments, report cards, and grades; and
 - The BCPS determined that the student is not suspected of being a child with a disability. No additional data/information is needed.
 6. The Prior Written Notice (PWN) developed following of the meeting on November 29, 2022, reflects that the parent expressed concerns that the student was having trouble understanding the work, and additional behavior concerns. The parent reported that the student is currently seeing a psychiatrist resulting from anxiety.
 7. The student's teachers shared that the student benefits from support with completing and turning in homework and staying focused. Progress reports from the student's teachers indicated that she was "progressing satisfactorily in class but struggled to complete homework. Teachers also noted that the student expressed difficulty with seeing and was moved to the front of the classroom. The student receives supervised breaks as needed, extended time, peer assistance, and assisted note taking. The teachers did not report any behavioral concerns. Though the parent shared that the student had recently been seen by a psychiatrist, there was no information available from her private provider. The prior written notice noted that based on the team discussion, parental input, and progress reports, the team did not suspect a disability at this time.

DISCUSSION/CONCLUSIONS:

Either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability. The initial evaluation (1) must be conducted within 60 days of receiving parental consent for the evaluation; or if the State establishes a timeframe within which the evaluation must be conducted, within that time frame; and (2) Must consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child (34 CFR §300.301).

As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must (1) Review existing evaluation data on the child, including (i) Evaluations and information provided by the parents of the child; (ii) Current classroom-based, local, or State assessments, and classroom-based observations; and (iii) Observations by teachers and related services providers. On the basis of that review, and input from the child's parents, identify what additional data, if

any, are needed to determine whether the child is a child with a disability, as defined in § 300.8, and the educational needs of the child (34 CFR §300.305).

Based on Finding of Facts #1 through #7, MSDE finds that the BCPS followed proper procedures when identifying the student to determine if she is a student with a disability requiring special education and related services, since October 2022, in accordance with 34 CFR §300.301-.311 and COMAR 13A.05.01.06. Therefore, this office finds that a violation did not occur with respect to this aspect of the violation.

TIMELINES:

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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann Collins
Deputy Superintendent
Division of Early Intervention/Special Education Services

DMC:ra

c: Sonja Santelises
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[REDACTED]
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