



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

May 17, 2019

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XXX  
XXX

Dr. Debra Brooks  
Director of Special Education  
Baltimore City Public Schools  
200 East North Avenue, Room 204-B  
Baltimore, Maryland 21202

RE: XXXXX  
Reference: #19-159

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 May 1, 2019, the MSDE received a complaint from Mr. XXXXXXXXXXXXXXX, hereafter, “the complainant,” on behalf of his son, 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.

The MSDE investigated the allegation that the BCPS did not ensure that an Individualized Education Program (IEP) team meeting held on March 7, 2019, included the required participants, in accordance with 34 CFR §300.321.

**BACKGROUND:**

The student is eleven (11) years old and is identified as a student with an Other Health Impairment (OHI) under the IDEA, related to Attention Deficit-Hyperactivity Disorder (ADHD). He attends XXXXXXXXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. On March 7, 2019, the IEP team convened to review and revise the student's IEP. The IEP meeting summary reflects that the team reviewed the student's progress, assessment data, work samples, teacher and parental input, and transportation for Extended School Year (ESY) services.
2. There is documentation that the student's general education English teacher attended the IEP meeting. The documentation also reflects that a special education teacher of the student, a parent, and a representative of the public agency also participated. There is no documentation that the team was unable to make decisions due to a lack of appropriate participation.

**CONCLUSION:**

In this case, the complainant alleged that the student's general education math teacher did not attend the IEP team meeting as required participant.

Based on the Findings of Facts #1 and #2, the MSDE finds that BCPS did ensure that no less than one (1) general education teacher of the student was in attendance at the IEP team meeting held on July 30, 2018, in accordance with 34 CFR §300.321 and COMAR 13A.05.01.07. Therefore, this office does not find that a violation occurred with respect to the allegation.

**TIMELINE:**

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,

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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: Sonja B. Santelises  
Allen Perrigan  
XXXXXXXXXX  
Dori Wilson  
Anita Mandis  
Albert Chichester  
Nancy Birenbaum