



Mohammed Choudhury
State Superintendent of Schools

July 30, 2021

[REDACTED]
[REDACTED]
[REDACTED]

Ms. Deborah Grinnage-Pulley
Executive Director
Juvenile Services Education System
Office for School Effectiveness
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

Dr. Kathy Pierandozzi
Executive Director, Department of Special Education
Baltimore County Public Schools
Jefferson Building, 4th Floor
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: [REDACTED]
Reference: #21-090

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 April 26, 2021, the MSDE received a complaint from Avery Berdit, Esq., hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Maryland State Department of Education, Juvenile Services Education Program (JSES) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

██████████
Ms. Deborah Grinnage-Pulley
Ms. Kathy Pierandozzi
July 30, 2021
Page 2

Because the MSDE has not received parental consent to release the results of the investigation to the complainant, this letter is being addressed to the student's parent.

While there is a sixty (60) day timeline for completing the investigation process, the parties were notified on June 2, 2021, that the timeline for completion of this Letter of Findings was extended when it was discovered that the BCPS was also responsible for the student's education during a portion of the time period identified for investigation. This correspondence is the report of the final results of our investigation.

The MSDE investigated the allegation that the JSES and BCPS did not ensure that the student was provided with the accommodations required by the Individualized Education Program (IEP) from August 21, 2020¹ to January 29, 2021, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is sixteen (16) years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA. He has an IEP that requires the provision of special education instruction and related services.

During the period of this investigation, the following placements were utilized:

- From August 20, 2020 to October 19, 2020, the student was at ██████████
██████████;
- From October 20, 2020 to December 23, 2020, the student was at the ██████████
██████████ ██████████. ██████████ is a privately-operated
██████████ in Baltimore County located on the same grounds as
the ██████████ and
- From December 24, 2020 to February 4, 2021, the student was at ██████████
██████████

FINDINGS OF FACTS:

August 20, 2020 to October 19, 2020

1. The student's IEP required the provision of accommodations such as, repetition of directions, frequent feedback, highlighters, extended wait time, checks for understanding,

¹ While this office initially identified the time period since April 26, 2021, during the course of the investigation, it was clarified by the complainant that the time period for the alleged violation began on August 21, 2020.

monitoring independent work, organizational aids, manipulatives, chunking of text, positive reinforcement, and advanced notice for schedule changes.

2. The student's class schedule reflects that, while being placed at the BCJJC, he was enrolled in English 9, algebra I, American government, biology I, and economics.
3. The accommodations checklist maintained by the student's teachers while the student was at the BCJJC, reflects that he was provided with the accommodations required by the IEP.

October 20, 2020 to December 23, 2020

4. Although [REDACTED] is located in Baltimore County, there is no documentation that the BCPS has a process of locating and ensuring that students with disabilities placed in this [REDACTED] are provided with a Free Appropriate Public Education (FAPE), and there is no documentation that the student's IEP was implemented at the [REDACTED]

December 24, 2020 to February 4, 2021

5. The student's class schedule reflects that, while the student was at [REDACTED] [REDACTED] he continued to be enrolled in English 9, algebra I, American government, biology I, and economics.
6. The accommodations checklist maintained by the student's teachers while the student was at the [REDACTED] reflects that he was provided with the accommodations required by the IEP.

CONCLUSIONS:

JSES

Based on the Findings of Facts #1 - #3 and #5 - #6, the MSDE finds that the JSES ensured that the student was provided with accommodations required by the IEP from August 20, 2020 to October 20, 2020, and from December 24, 2020 to January 29, 2021, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to the allegation during this time period.

BCPS

Based on the Finding of Fact #4, the MSDE finds that there is no documentation that the BCPS ensured the student was provided with accommodations required by the IEP from

Ms. Deborah Grinnage-Pulley
Ms. Kathy Pierandozzi
July 30, 2021
Page 4

October 20, 2020 to December 23, 2020, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to the allegation during this time period.

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.² 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 Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.³ Dr. Birenbaum can be reached at (410) 767-7770 or by email at nancy.birenbaum@maryland.gov.

BCPS:

Student-Specific

The MSDE requires the BCPS to provide documentation that attempts have been made to locate the student and that an offer of compensatory services or other remedy has been made to redress the violation identified in this Letter of Findings.

² The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

³ The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

[REDACTED]
Ms. Deborah Grinnage-Pulley
Ms. Kathy Pierandozzi
July 30, 2021
Page 5

System-Based

The MSDE requires the BCPS to provide documentation that procedures have been developed to ensure that students with disabilities that are placed at facilities located within BCPS' jurisdiction are identified and provided with a FAPE, as appropriate.

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 parent maintains 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: Crystal Fleming-Brice
Lindsey Goodrich
Dawn Hubbard
[REDACTED]
[REDACTED]
Dori Wilson
Anita Mandis
Albert Chichester
Nancy Birenbaum

Darryl Williams
Conya Bailey
Jason Miller
Charlene Harris