




Mohammed Choudhury
State Superintendent of Schools

August 13, 2021




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

RE: 
Reference: #21-122

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.

ALLEGATIONS:

On June 28, 2021, the MSDE received a complaint from Ms.  hereafter “the complainant,” on behalf of her 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 following allegations:

1. The BCPS has not ensured that the Individualized Education Program (IEP) has addressed the student’s academic and speech/language needs since June 28, 2020, in accordance with 34 CFR §§300.101 and .324.
2. The BCPS did not follow proper procedures when determining the educational placement, in accordance with 34 CFR §§300.114 - .116 and .321.

BACKGROUND:

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

FINDINGS OF FACTS:

1. In June 2020, the student transferred to the BCPS from the Baltimore City Public School System. At that time, she had an IEP that was developed on January 31, 2020.

September 16, 2020, IEP Meeting

2. On September 16, 2020, the IEP team at [REDACTED] School reviewed the January 31, 2020 IEP from the Baltimore City Public School System and made no revisions. The IEP reflected the psychological assessment considered when developing the IEP states that the student's cognitive ability is assessed in the "Very Low Range" with a significant level of inattention indicating she will learn at a slower pace. The student, a rising fifth (5th) grader, had reading, math, and written language skills on a kindergarten (k) to first (1st) grade level and receptive and expressive language skills that were significantly below age level expectations.
3. The IEP included goals to improve skills in each area of need consistent with the student's reported present levels of academic and functional performance. The IEP required special education and accommodations and supplementary aids and services to assist the student with achieving the goals. The IEP reflected the Least Restrictive Environment (LRE) in which the IEP could be implemented was a combination of general and special education classrooms for both special education instruction and speech/language services.

November 20, 2020, IEP Meeting

4. On November 20, 2020, the IEP team conducted the annual IEP review. The special education teacher reported that the student had achieved all of IEP goals even though teacher reports indicated the student was struggling academically. Based on the student's progress and results of teacher reports and classroom-based assessments, the team decided additional information was needed and recommended psychological, educational, speech/language assessments, as well as a classroom observation because they suspected there were additional areas impacting the student educationally.

January 19, and 22, 2021, IEP Meetings

5. On January 19, 2021, the IEP team considered the data from a psychological assessment that the student's intellectual ability is in the "extremely low" range, and that her Full Scale Intelligence Quotient was found to be 63. The team also considered the remaining data from the reevaluation that reflected that the student had needs in all areas of

academic and adaptive functioning, including areas of communication, reading, math, and written language. At that time, the student was performing at least three (3) years below grade level in all academic areas.

6. The complainant stated that her concerns included the need to add strategies for maintaining attention, frequent movement and kinesthetic opportunities, positive reinforcement, preferential seating, adult support, and more opportunities for small group instruction. The complainant also shared that she was also concerned about passing the student along to middle school. The team did not have time to complete the IEP review and decided to reconvene to do so.

February 17, 2021, IEP Meeting

7. On February 17, 2021, the IEP team reconvened and revised the goals to improve skills in each area of need consistent with the data. The IEP team increased reading and math services in both the general education and the special education classrooms, increased the amount of time during the one-to-one sessions with the instructional assistant and added counseling, thirty (30) minutes, weekly to address concerns regarding peer relationships. The team included all of the complainant's recommended strategies on the IEP. The IEP required accommodations and supplementary supports to assist the student, and these included the provision of additional adult support throughout the school day.

June 16, 2021, IEP Meeting

8. On June 16, 2021, the IEP team convened to review the student's progress. The special education teacher reported on the student's slow but steady rate of progress on all of the goals. The statement of the student's present levels of academic and functional performance were revised to reflect the progress the student made in reading, math, and written language skills indicating growth to a second (2nd) to second grade fourth (2.4) grade level. The IEP team considered whether the IEP could continue to be implemented in the general education classroom and decided that even with the provision of supplementary aids and services the LRE in which it could be implemented is a separate special education classroom due to the student's needs for additional supports to improve progress.

CONCLUSIONS:

Allegation #1 Addressing Reading, Math, Written Language, Speech/Language and Communication Needs

Based on the Findings of Facts #1 - #8, the MSDE finds that the IEP team has followed proper procedures to monitor the student's progress and review and revise the IEP based on the data to ensure that it addresses all areas of identified need, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to the allegation.

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Allegation #2 Educational Placement

Based on the Findings of Facts #1 - #8, the MSDE finds that the BCPS has ensured that the IEP team followed proper procedures to consider less restrictive settings when determining the educational placement, and that the decision regarding the educational placement was consistent with the data, in accordance with 34 CFR §§300.114 - .116 and .324. Therefore, this office does not find that a violation occurred with respect to this allegation.

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 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
and Special Education Services

MEF/sef

c: Darryl Williams
 Conya Bailey
 Jason Miller
 Charlene Harris
 [REDACTED]
 Dori Wilson
 Anita Mandis
 Sharon Floyd