



Mohammed Choudhury
State Superintendent of Schools

August 19, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Dr. Courtney Hill
Coordinator
Baltimore City Public Schools
200 E. North Avenue, Room 204 B
Baltimore, Maryland 21202

RE: [REDACTED]
Reference: #22-174

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 June 21, 2022, the MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of her 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 has not ensured that proper procedures were followed when conducting an initial IDEA evaluation since June 2021, in accordance with 34 CFR §§300.301-306 and COMAR 13A.05.01.06.

BACKGROUND:

The student is eight (8) years old and was recently determined eligible under the IDEA. He attends [REDACTED] School.

FINDINGS OF FACTS:

1. There is documentation that a child find referral was received by the BCPS on June 30, 2021, indicating that the complainant had concerns regarding the student's academic performance in math and reading.
2. On September 14, 2021, the IEP team convened to consider the student's eligibility under the IDEA. The prior written notice generated following the IEP team meeting reflects that the IEP team considered the student's September 2021 progress report, parental input, attendance, observations, work samples provided by the complainant, and informal assessments. The IEP team determined the student presents with "some deficits", however, the IEP team did not suspect an educational disability at that time. The IEP team recommended that additional data be collected and that the student's "learning plan" be implemented including "school based" interventions. The IEP team determined the student was not eligible for special education and related services at that time. The complainant agreed to provide the BCPS with a copy of a private speech and language assessment completed for the student.
3. There is documentation that the Notice of No Assessment Needed was generated for the student on September 14, 2021, and emailed to the complainant on September 17, 2021, detailing the IEP team's determination that the student was not eligible under the IDEA.
4. There is documentation that the complainant completed an additional child find referral on May 9, 2022.
5. On May 23, 2022, the IEP team convened to determine the student's eligibility under the IDEA. The prior written notice generated following the IEP team meeting reflects that the IEP team determined that there was "no suspicion of an educational disability." The IEP team considered emails, a partial private speech and language evaluation, speech language consultation notes from September 14, 2021, to April 4, 2022, IEP team discussions, i-ready data for the current school year, quarterly report cards, and "education specialist consultation". The student's teacher reported "noticeable progress", the student was performing on grade level, however, his behavioral concerns can impact his academic performance. The complainant left the meeting before discussing her concerns. The IEP team continued the meeting in her absence and determined that the student was not suspected of being a child with a disability under the IDEA.
6. On June 7, 2022, the IEP team again convened to determine eligibility for special education services. The prior written notice generated following the IEP meeting reflects that the complainant participated virtually and expressed concerns regarding

the student's preparation for third grade. The IEP team considered recent progress reports, report cards, and district assessments. The IEP team determined the student performed "satisfactory and above performance in most core subject areas". Additionally, unit assessments reflect noticeable progress from the beginning of the school year to the end of the school year. The school psychologist reviewed a private psychological assessment completed for the student. The assessment indicated that there were no concerns regarding emotional or behavioral functioning. The IEP team concluded, "more review may be required". The IEP team reviewed the "full version" of the private speech and language assessment conducted virtually on July 23, 2021. The student scored well below in sentence formation, answering "wh" questions, and his pragmatic language was "noted", however, the pragmatic language assessment data was not included. The assessment was conducted prior to the student "ever" attending school. Based upon this information, the IEP team determined a speech and language assessment should be completed. The IEP team further determined that the student was not suspected of having a Specific Learning Disability, Other Health Impairment, or Intellectual Disability at this time.

7. There is documentation that the parent signed consent for a speech and language assessment on June 14, 2022.
8. There is documentation that the complainant was provided a copy of the speech and language evaluation on August 5, 2022.
9. On August 12, 2022, the BCPS convened an IEP meeting to determine eligibility for special education services. The prior written notice generated after the IEP meeting reflects that the IEP team determined that the student was eligible for special education services as a student with a "speech or language impairment." The IEP team will meet to develop the student's IEP on August 16, 2022.
10. The prior written notice generated after the August 16, 2022 IEP team meeting reflects that the student's initial IEP was developed.

CONCLUSION:

Based upon the Findings of Facts #1 - #10, the MSDE finds that the BCPS has ensured that proper procedures were followed when conducting an initial IDEA evaluation since June 2021, in accordance with 34 CFR §§300.301-306 and COMAR 13A.05.01.06. Therefore, this office finds that a violation did not occur with respect to the 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

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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/tg

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