



**Mohammed Choudhury**  
State Superintendent of Schools

March 10, 2023

Ms. Ronnetta Stanley  
Loud Voices Together Educational Advocacy Group, Inc.  
P.O. Box 1178  
Temple Hills, Maryland 20748

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

RE: [REDACTED]  
Reference: #23- 126

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.

**ALLEGATIONS:**

On January 17, 2023, MSDE received a complaint from Ms. Ronnetta Stanley, hereafter “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 following allegations:

1. The BCPS has not ensured that the Individualized Education Program (IEP) team convened to review the student’s IEP before December 1, 2022, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324.
2. The BCPS has not followed proper procedures when responding to a request for an IEP team meeting since November 2022, in accordance with 34 CFR §300.503.
3. The BCPS has not ensured that the student has been provided with the amount of special education instruction and related services, specifically, social work services and transportation, required by the IEP since April 7, 2022, in accordance with §§300.101 and .323.

**BACKGROUND:**

The student is fourteen years old and is identified as a student with an intellectual disability under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1: ANNUAL IEP REVIEW**

**CONCLUSIONS:**

In its written response, the BCPS acknowledges that violations occurred with respect to allegation #1. MSDE concurs with the BCPS conclusions and appreciates the school system's response to the investigation of this allegation.

**ALLEGATION #2: RESPONSE TO A REQUEST FOR AN IEP TEAM MEETING**

**FINDINGS OF FACTS:**

1. The BCPS scheduled an IEP team meeting for November 29, 2022. There is email documentation that the IEP team meeting scheduled for this date was canceled at the parent's request.
2. The BCPS scheduled an IEP team meeting for December 21, 2022. There is email documentation that the IEP team meeting scheduled for this date was canceled at the advocate and parent's request.
3. The BCPS scheduled an IEP team meeting for February 23, 2023. There is email documentation that the IEP team meeting scheduled for this date was canceled at the advocate and parent's request.
4. There is documentation that an IEP team meeting is scheduled for March 7, 2023.

**CONCLUSIONS:**

Based upon the Findings of Facts #1- #4, MSDE finds that the BCPS followed proper procedures when responding to a request for an IEP team meeting since November 2022, in accordance with 34 CFR §300.503. Therefore, this office does not find a violation occurred with respect to allegation #2.

**ALLEGATION #3: PROVISION OF SPECIAL EDUCATION INSTRUCTION AND RELATED SERVICES**

**Special Education Instruction**

**FINDINGS OF FACTS:**

5. The student's IEP, developed on April 7, 2022, requires the student to be provided with 25 hours weekly of special education instruction outside the general education classroom.
6. There is documentation that the student received instruction from a special education teacher in a self-contained special education class from April 7, 2022, to June 8, 2022.
7. While there is documentation that the student received instruction from special education teachers

outside the general education classroom since the start of the 2022-23 school year, the amount of instruction received does not meet the requirements of the student's IEP. In its written response, the BCPS acknowledges that violations occurred with respect to this aspect of allegation #3.

**CONCLUSION:**

Based on the Findings of Facts #5- #7, MSDE finds that the student was not provided with the special education instruction required by his IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323

**Social Work Services**

**FINDINGS OF FACTS:**

8. The student's IEP, developed on April 7, 2022, requires the student to be provided with one hour monthly of social work services.
9. There is documentation that the student was provided with the monthly social work services as required by the IEP since April 7, 2022.

**CONCLUSION:**

Based upon the Findings of Facts #8 and #9, MSDE finds that the BCPS has ensured that the student has been provided with the amount of related services, specifically social work services, required by the IEP since April 7, 2022, in accordance with §§300.101 and .323. Therefore, this office does not find a violation occurred with respect to this aspect of allegation #3.

**TRANSPORTATION**

**FINDING OF FACTS:**

10. There is documentation that the student received transportation services from April 7, 2022, to the present, with the exception of the first five days of the 2022-23 school year. In its written response, the BCPS acknowledges that violations occurred with respect to this aspect of allegation #3.

**CONCLUSION:**

Based upon the Findings of Fact #10, MSDE finds that the BCPS has not ensured that the student has been provided with transportation services, required by the IEP during the first five days of the 2022-2023 school year, in accordance with §§300.101 and .323. Therefore, this office finds a violation occurred with respect to this aspect of allegation #3.

**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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with 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 Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [diane.eisenstadt@maryland.gov](mailto:diane.eisenstadt@maryland.gov).

### **Student Specific**

MSDE requires the BCPS to provide documentation by May 5, 2023, that the IEP team has convened and determined the negative impact of the violation related to the lack of proper implementation of their respective obligations with regard to IDEA annual review timelines, provision of special education service hours as required by the IEP, and consistent transportation services had on the student's ability to benefit from the education program. It must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

### **School Based**

MSDE requires the BCPS to provide documentation by May 5, 2023, of the steps taken to ensure that the violations regarding the lack of proper implementation of their respective obligations with regard to IDEA annual review timelines and special education services, including transportation services, do not recur at [REDACTED] School. Those steps must include staff development, as well as tools created to document and monitor the provision of the required special education services and scheduling of annual IEP team meetings, a monitoring schedule, and provision of the completed monitoring tool to MSDE by May 15, 2023.

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

---

<sup>1</sup> 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, 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.

<sup>2</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

Ms. Ronnetta Stanley  
Dr. Courtney Hill  
March 10, 2023  
Page 5

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 M. Collins  
Deputy Superintendent  
Office of the Deputy Superintendent of Teaching and Learning

DMF: sd

c: Sonja Santelises  
Rachel Pfeifer  
Christa McGonigal  
Denise Mabry  
[REDACTED]  
Alison Barmat  
Gerald Loiacono  
Diane Eisenstadt  
Sarah Denney