



September 8, 2023

Ms. Leah Childs
4845 Long Green Road
Glen Arm, Maryland 21057

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

RE: Brennan Childs
Reference: #24-008

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 July 19, 2023, MSDE received a complaint from Ms. Leah Childs, hereafter, “the complainant,” on behalf of her son. 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 above-referenced student.

MSDE investigated the allegation that the BCPS did not ensure that the IEP team convened to review the student’s Individualized Education Program prior to June 8, 2023, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is 13 years old and is identified as a student with Specific Learning Disability under the IDEA. He attends the Odyssey School, a private school, as a parentally placed private school student.

FINDINGS OF FACTS:

1. On June 8, 2022, the BCPS convened an IEP team to conduct the annual review of the student’s IEP. At the time, the student was privately placed by his parents at the Odyssey school, a private separate special education school. According to the prior written notice from this meeting, the IEP team discussed that although the student was doing well at his current placement (The Odyssey School), “...based on the current updated information and data regarding [the student’s] performance, he

[did] not require placement outside of [his homeschool] to access the general education curriculum or to receive specialized instruction toward mastery of grade-level skills.”

2. At the conclusion of the meeting, the team determined that the student would receive instruction inside the general education setting at a BCPS public school for 40%-79% of the school day, equaling 22 hours and 30 minutes per week inside general education, and 10 hours per week outside of general education at the student’s home school. The complainant disagreed with this decision and the IEP that the BCPS had developed for her son because she did not feel that it appropriately addressed his needs derived from his diagnosis of dyslexia and dysgraphia.
3. The student remained at The Odyssey School for the 2022-2023 school year. During the 2022-2023 school year, the parents filed a request for a due process hearing challenging the appropriateness of the IEP developed for the student on June 8, 2022. Following a hearing on the matter in April 2023, the Administrative Law Judge determined that the IEP developed for the student provided the student with a Free Appropriate Public Education.
4. To date, there is no documentation that the complainant and the BCPS communicated regarding the re-enrollment of the student in his home school.

CONCLUSION:

Reviews of the child's IEP must occur periodically, but not less than annually, to determine whether the annual goals for the child are being achieved. (34 CFR §300.324) However, for students who are unilaterally placed by their parents in private schools, the public school system in which they reside is not required to develop an IEP for the student if the parents make clear their intent for the student to remain in the private school and the provision of FAPE is no longer in dispute. [Letter to Wayne](#) (U.S. Department of Education, Office of Special Education Programs 2019).

Based on the Finding of Facts #1 - #4, MSDE finds the BCPS was not required to ensure that the IEP team convened to review the student’s Individualized Education Program prior to June 8, 2023, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324. Therefore, this office finds that no violation has occurred with respect to the allegation. However, by filing this complaint, the complainant has clarified that they expected BCPS to have developed an IEP for the student for the 2023-2024 school year, suggesting that they are requesting FAPE for the upcoming school year. As such, BCPS is encouraged to contact the family to schedule an IEP team meeting as soon as possible to review and revise the student’s IEP, 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.

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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. 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

DC/ebh

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