



Carey M. Wright, Ed.D.
Interim State Superintendent of Schools

November 29, 2023

[REDACTED]

Ms. Chris Wittle
Director of Special Education
Carroll County Public schools
125 North Court Street
Westminster, Maryland 21157

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

RE: [REDACTED]
Reference: #24-042

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 October 2, 2023, MSDE received a complaint from Ms. [REDACTED], hereafter, “the complainant”, on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Baltimore County Public Schools (BCPS) and Carroll County Public Schools (CCPS) 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 and the CCPS did not follow proper procedures when transferring the student’s education record from the BCPS to the CCPS, since August 2023, in accordance with 34 CFR §300.323, COMAR 13A.08.02, and the Maryland Student Records System Manual.

BACKGROUND:

The student is eight years old and is identified as a student with Autism under the IDEA. The student attends [REDACTED] School, located in Carroll County, and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services. Prior to the 2022-2023 school year, the student attended [REDACTED] School in Baltimore County.

FINDINGS OF FACTS:

1. On August 18, 2023, the student enrolled in CCPS following his unenrollment from the BCPS.
2. On August 22, 2023, upon the student's enrollment in the CCPS, the staff at the student's school faxed staff at the student's prior BCPS school requesting the student's educational record.
3. On August 25, 2023, a CCPS special educator met with the complainant to determine comparable services. Following that meeting, the CCPS determined services comparable to the IEP developed by the BCPS including twenty-one hours per week of specialized instruction outside of general education setting, transportation services, testing accommodations, and supplementary aids and services.
4. On September 19, 2023, CCPS staff emailed BCPS staff to confirm receipt of the record request. The email response from the BCPS reflects that the fax machine at the school was inoperable on August 22, 2023, when the student's records were originally requested. CCPS resubmitted the record request via email.
5. On September 25, 2023, BCPS staff emailed CCPS staff relevant portions of the student's record that included the IEP (June 2023), Behavior Intervention Plan (BIP), Prior Written Notice (June 1, 2023), Parent Notification of the IEP Team Meeting (May 18, 2023), IEP Progress Reports, Notice and Consent for Assessment (March 10, 2023), and a Functional Behavior Assessment (March 2023),

DISCUSSION/CONCLUSIONS:

Based upon the Findings of Facts #1 to #5, MSDE finds that the BCPS followed proper procedures when transferring relevant portions of the student's education record from the BCPS to the CCPS to enable the IEP team to determine comparable services, since August 2023, in accordance with 34 CFR §300.323, COMAR 13A.08.02, and the Maryland Student Records System Manual. Therefore, this office does not find that a violation occurred with respect to the allegation.

Based upon the Findings of Facts #1 to #4, MSDE finds that the CCPS followed proper procedures when requesting the student's education record from the BCPS, since August 2023, in accordance with 34 CFR §§300.323, COMAR 13A.08.02, and the Maryland Student Records System Manual. Therefore, this office does not find that a violation occurred with respect to the allegation.

TIMELINES:

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,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/tg

c: Cynthia McCabe
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