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June 7, 2016

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Ms. Tiffany Clemmons  
Executive Director of Specialized Services  
Baltimore City Public Schools  
200 East North Avenue, Room 204 B  
Baltimore, Maryland 21202

RE: XXXXX  
Reference: #16-101

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 April 8, 2016, the MSDE received a complaint from Ms. XXXXXXXXXXXX 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 student.

The MSDE investigated the following allegations:

1. The BCPS has not ensured that the student has been provided with the specialized instruction required by the Individualized Education Program (IEP) since January 2016, in accordance with 34 CFR §300.101.

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2. The BCPS has not ensured that the student has been consistently provided with the accommodations and supplementary aids and supports required by the IEP since the start of the 2015 – 2016 school year,<sup>1</sup> in accordance with 34 CFR §300.101.
3. The BCPS did not ensure that the IEP team meeting convened in March 2016 included the required participants, in accordance with 34 CFR §300.321.
4. The BCPS has not provided a completed IEP following the March and April 2016 IEP team meetings, in accordance with COMAR 13A.05.01.07.
5. The BCPS has not provided prior written notice of the IEP team's decisions following the March and April 2016 IEP team meetings, in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12.

#### **INVESTIGATIVE PROCEDURES:**

1. On April 8, 2016, the MSDE provided a copy of the State complaint, by facsimile, to Ms. Tiffany Clemmons, Executive Director of Specialized Services, BCPS, and Mr. Darnell L. Henderson, Associate Counsel, Office of Legal Counsel, BCPS.
2. On April 15, 2016, and May 12, 2016, Ms. K. Sabrina Austin, Education Program Specialist, MSDE, conducted telephone interviews with the regarding the allegations to be investigated.
3. On April 18, 2016, the MSDE sent correspondence to the complainant that identified the allegations subject to this investigation. On the same date, the MSDE notified the BCPS of the allegations and requested that the BCPS review the alleged violations.
4. On April 18 and 19, 2016, and May 2, 11, and 12, 2016, the MSDE received additional documentation from the complainant.
5. On April 21 and 26, 2016, and May 2 and 31, 2016, the MSDE requested documentation from the BCPS.
6. On May 3, 2016, Ms. Austin conducted a review of the student's educational record at the BCPS Central Office.
7. On May 18, 2016, Ms. Austin and Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, conducted a site visit at XXXXXXXXXXXXXXXXXXXX (XXXXXXXX) and interviewed the following school staff:

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<sup>1</sup> On May 12, 2016, the complainant contacted Ms. Austin by telephone to discuss the complaint. During that conversation, the complainant explained that her concerns with regard to the student's receipt of accommodations and supplementary aid and supports required by the IEP in science class, are limited to the third (3rd) quarter of the 2015 - 2016 school year, and that her concerns also included the student's math class.

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- a. Mr. XXXXXXXXX, General Education Teacher;
- b. Ms. XXXXXXXXX, IEP Chairperson;
- c. Ms. XXXXXXXXX, Special Education Substitute Teacher;
- d. Ms. XXXXXXXXX, Assistant Principal;
- e. Ms. XXXXXXXXX, General Education Teacher;
- f. Mr. XXXXXXXXX, General Education Teacher;
- g. Mr. XXXXXXXXX, Assistant Principal; and
- h. Mr. XXXXXXXXX, General Education Teacher.

Ms. Darnell Henderson participated in the site visit as a representative of the BCPS and to provide information on the school system's policies and procedures, as needed.

8. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
  - a. Receipts of Parental Rights, dated March 10, 2016 and April 6, 2016;
  - b. IEP, dated May 22, 2015, and Prior Written Notice, dated May 22, 2015;
  - c. Schedules of the school staff, and the sign-in sheets recording the provision of special education instruction to the student in the general education classroom and in the separate special education classroom, dated September 2015 to May 2016;
  - d. Electronic mail (email) communications between the complainant and the school staff, dated December 2015 to April, 2016;
  - e. The student's class schedule for the 2015 -2016 school year, with teacher designations;
  - f. The progress reports prepared by the student's social studies, English language arts, and English language arts intervention class teachers, dated February 22, 2016, March 8 and 24, 2016, and April 4, 2016;
  - g. Notice of IEP team meeting scheduled for March 10, 2016, signed by the complainant, with additional information noted, on March 5, 2016;
  - h. Notice of documents provided to the complainant for review at the March 10, 2016 IEP team meeting;
  - i. The sign-in sheet of attendees at the March 10, 2016 IEP team meeting;
  - j. Documentation of the complainant's parental concern complaint filed with the BCPS Central Office staff on March 16, 2016;
  - k. Prior Written Notice of the IEP team meeting convened on March 10, 2016, dated April 26, 2016;
  - l. Prior Written Notice of the IEP team decisions made on April 6, 2016, dated April 26, 2016;
  - m. A sample of the accommodations checklist maintained by the school staff, undated;
  - n. The psychological services progress report, dated February 19, 2016;
  - o. The staff listing for XXXXXXXXXXXXXXX and XXXXXXX Schools;
  - p. The sign-in sheet of attendees at the April 6, 2016 IEP team meeting;
  - q. IEP, dated April 6, 2016, and Amended IEP, dated April 27, 2016;

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- r. The school staff's "Parent Contact Log" reflecting notifications, correspondence and other communications with the complainant in April 2016 and May 2016;
- s. Notice of an IEP team meeting scheduled for June 1, 2016;
- t. Amendment to IEP without an IEP team meeting, dated April 27, 2016; and
- u. Correspondence from the complainant alleging violations of the IDEA, received by the MSDE on April 8, 2016.

### **BACKGROUND:**

The student is twelve (12) years old, and is identified as a student with an Other Health Impairment under the IDEA related to inattention. The student has an IEP that requires the provision of special education and related services, and attends XXXXXXXX where he is in the sixth (6th) grade (Docs. b and q).

During the period of time addressed by this investigation, the complainant participated in the education-making process and was provided with written notice of the procedural safeguards (Doc. a).

### **ALLEGATION #1                      PROVISION OF SPECIALIZED INSTRUCTION DURING THE 2015 -2016 SCHOOL YEAR**

### **FINDINGS OF FACTS:**

1. The IEP in effect at the start of the 2015 - 2016 school year was developed on May 22, 2015. The IEP requires that the student be provided with three (3) hours per week of specialized instruction in the general education classroom. The IEP clarifies that "the special educator will be in the classroom for 1 [one] hour," and that "the general educator will provide [two] 2 hours" of the specialized instruction, in order to provide the IEP accommodations, supplementary aids, services, program modification and supports for reading, writing, and math subjects inside the general education setting (Doc. b).
2. The May 22, 2015 IEP also requires that the student be provided with three (3) hours of specialized instruction per week in a separate special education classroom, and indicates that the special educator is the only provider. The IEP states that the specialized instruction is to be provided for one (1) hour in reading, one (1) hour in math, and one (1) hour in written language (Doc. b).
3. The school staff report that there have been three (3) special educators who have provided the student with specialized instruction inside the general education classroom, and in the separate special education classroom, during the 2015 - 2016 school year. There is documentation that these special educators maintain a weekly sign-in/sign-out sheet to record the times when they have provided instruction to the student (Doc. c and interview with the school staff).

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4. A review of the schedules and the sign-in/sign-out sheets of the school staff reflect that, from January 4, 2016 through February 5, 2016, the student was provided with three (3) hours per week of specialized instruction in reading, math, and written language in a separate special education classroom, and one (1) hour of specialized instruction in the general education classroom. The parties agree that this instruction was provided by a special education teacher who retired in February 2016 (Doc. c and interview with the parties).
5. There is no documentation that the student has been provided with specialized instruction by a special educator since February 5, 2016. While the school staff report, and there is documentation to reflect, that two (2) long term substitute teachers began delivering instruction to the student in mid-March 2016, there is no documentation that either of the two (2) long term substitute teachers are certified to teach special education. In addition, the documentation reflects that the long term substitute teachers have not been providing three (3) hours per week of instruction in a separate special education classroom, or one (1) hour per week of instruction in the general education classroom (Doc. c and interview with the school staff).
6. At the April 6, 2016 IEP team meeting, the complainant expressed concern that the student had not received classroom instruction by a special education teacher since the recent retirement of a school staff member. The written summary of the meeting states that “the team will meet to determine if [the student] was without services,” and to “determine if a FAPE violation occurred.” There is no documentation that these determinations have occurred (Doc. l).
7. There is documentation that the school staff scheduled an IEP team meeting for June 1, 2016, and that one of the purposes of the meeting was to “determine and address “FAPE” [Free and Appropriate Public Education] violation[s].” The documentation of this meeting has not yet been developed (Doc. s).

**Discussion/Conclusions:**

The public agency is required to ensure that each student with a disability is provided with the special education instruction, accommodations and supplementary supports required by the student’s IEP (34 CFR §§300.101 and .103).

In this case, the complainant alleges that the student has not received special education instruction by a special education teacher in the general education classes and in his separate special education classes.

Based on the Findings of Facts #1 - #7, the MSDE finds that, since February 5, 2016, the student has not been provided with specialized instruction by a special education teacher as required by the IEP. Therefore, the MSDE finds a violation occurred, and that the violation is continuing.

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**ALLEGATION # 2**

**THE PROVISION OF ACCOMMODATIONS AND  
SUPPLEMENTARY AIDS AND SUPPORTS SINCE THE  
START OF THE 2015 -2016 SCHOOL YEAR**

**FINDINGS OF FACTS:**

8. The IEP dated May 22, 2015, as amended on April 27, 2016, reflects that the student requires accommodations during instruction and assessments. The accommodations include visual cues to provide a signal, reminder, or prompt to assist the student with recall of prior knowledge, and visual and graphic organizers to aid the student in the writing process by helping him organize his thoughts. The IEP states that the accommodations are to “administered by the general educator in the general education classes, and by the special educator when in the self-contained/pull-out classes” (Doc. b).
9. The IEP also requires that the student be provided with supplementary aids and services on a daily basis. These include process charts to assist the student with a step-by-step guide in remembering the steps of a process, and the use of highlighters during instruction and assignments to assist with locating information, identifying context clues and to support comprehension of implied meanings, inferences and problem solving. The IEP also requires that the student be provided with limited copying from the board, with further clarification that he will be provided with printed copies of spelling lists, class notes, graphic organizers and homework assignments, and that his independent work will be monitored. In addition, the student requires the use of organizational aids, such as graphic organizers, notes, and color coded items, and assistance with organization including a checklist for assignments. The IEP states that the general educators and the special educators will provide the student with the supplementary supports “in all subject areas” (Doc. b).
10. On February 29, 2016, the complainant sent an email to the school staff expressing concern that the student was not receiving his accommodations in each of his classes. The complainant noted that, while she had expressed her concerns with the student’s teachers, “little has been done to address them.” In its response on the same day, the school staff explained that the complainant could address her concerns at the upcoming IEP team meeting scheduled for March 10, 2016, while also indicating that the complainant’s concerns had been discussed “a few times” among the school staff (Doc. d).
11. On March 5, 2016, the complainant returned the meeting invitation to the school staff to confirm her participation in an IEP meeting scheduled for March 10, 2016. The complainant included a written request on the meeting invitation for the “folders” from each of the student’s teachers, and indicated her need for “tangible evidence” that the student’s IEP goals were being implemented (Doc. g).

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12. On March 10, 2016, the IEP team convened. The written summary of the meeting reflects that the IEP team reviewed existing data on the student, including, specifically, “teacher progress reports” and samples of the student’s work. The documentation reflects that two (2) teacher progress reports were available to the IEP team at the time of the March 10, 2016 IEP team meeting: a progress report, dated February 22, 2016, prepared by the English language arts teacher, and a progress report, dated March 8, 2016, developed by the English language arts intervention teacher.<sup>2</sup> The IEP team was unable to complete the IEP team meeting on March 10, 2016 and decided to continue the meeting on another date (Docs. f and k).
13. On March 14, 2016, the complainant informed the school staff, via email, that the student did not have a graphic organizer to assist with his writing assignments. The complainant requested that the school staff address her concern, while also noting her previously expressed concern about the provision of accommodations to the student (Doc. d).
14. The IEP team reconvened on April 6, 2016. At the meeting, the complainant again expressed concern that the student was not being provided with the accommodations and supports required by the IEP in all of his classes, including process charts, assistance with information needed to complete assignments, notes, and limited copying from the board, and that her concerns were especially with regard to the student’s math class. She also expressed concern that “many” of the student’s teachers cannot produce examples of the student’s work which she believes is needed in order to document his progress. There is documentation that the student’s language arts teacher provided work samples that were reviewed at the meeting, and that, while the complainant was provided with an additional teacher progress report from the student’s history teacher, she expressed concern that she still had not received a progress report from the student’s math teacher (Doc. l).
15. The written summary of the April 6, 2016 IEP team meeting documents the IEP team’s decision that the math teacher will collaborate with other school staff in order to provide the student with processing charts. In addition, the written summary of the April 6, 2016 IEP team meeting states that “the administration will meet with the 6th grade team and review if the accommodations on [the student’s] IEP have been provided.” However, there is no documentation that this has occurred (Doc. l).
16. The teachers utilize a daily checklist to record the provision of accommodations to students. A review of the accommodations checklists maintained by the student’s teachers, and samples of the student’s work, reflects that the student is provided with some of the accommodations and supplementary supports required by the IEP. However, the documentation also reflects that the student is not provided with all of the accommodations and supplementary supports required by the IEP, and that he is not provided with any accommodations and supports on a daily basis, and in each of his

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<sup>2</sup> There is documentation that the school staff sent the complainant these “teacher progress reports” prior to the March 10, 2016 IEP team meeting (Doc. h).

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classes, as required by the IEP (Review of the student's educational record and interview with the school staff).

17. The teachers use a single sheet to record the accommodations that are being provided to all of the students who require specialized instruction through an IEP. A review of these sheets from the student's classes indicates that all of the students receive the same accommodations. The school staff report that accommodations provided to students, such as graphic organizers and visuals, are selected based on recommendations contained within the curriculum lesson plan guiding the classroom instruction (Review of the student's educational record and interview with the school staff).

### **Discussion/Conclusions:**

As stated above, the public agency must ensure that special education services are provided in accordance with each student's IEP (34 CFR §300.101).

In this case, the complainants allege that, since the start of the 2015 - 2016 school year, the student has not consistently been provided the accommodations and supports in his social studies, math, reading and writing classes, and in his science class during the third (3rd) quarter, as required by the IEP. The complainant reports that she has not received the "folders" that teachers prepare prior to IEP team meetings containing information about the student's current progress and samples of his work. The complainant further reports that it is her belief that the information in the "folders" is what is needed as "tangible evidence" in order to demonstrate whether the school staff was providing the student with the specialized instruction as well as the accommodations and supplementary supports required by the IEP (Interviews with the complainant).

Based on the Findings of Facts #8 - #16, the MSDE finds that there is no documentation that the student has been provided with all of the accommodations and supplementary supports required by the IEP, and in the manner required by the IEP. Based on the Findings of Facts #16 and #17, this office finds that the school staff have a practice of providing accommodations to all students as suggested in the curriculum lesson plans and not based on the individual students' IEPs and needs. Therefore, the MSDE finds a violation occurred, and that the violation is ongoing.

### **ALLEGATION #3**

### **PARTICIPANTS AT THE MARCH 2016 IEP TEAM MEETING**

### **FINDINGS OF FACTS:**

18. The sign-in sheet of attendees at the March 10, 2016 IEP team meeting indicates that the meeting included the complainant, two (2) general education teachers of the student, a special education teacher, and the school staff providing related services to the student.<sup>3</sup>

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<sup>3</sup> The documentation reflects that the psychologist providing counseling services to the student was present at the meeting (Doc. b, i, n and o).

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The sign-in sheet also reflects that the assistant principal participated in the meeting as a representative of the school system (Docs. e, i, n and o).

19. The school staff report that because a replacement for the student's recently retired special education teacher had not been assigned at the time of the March 10, 2016 IEP team meeting, a special education teacher from XXXXXXXXXXXXXXXX was invited to participate in the meeting to assist the team on an issue concerning specialized instruction, should one arise (Doc. o and interview with the school staff).
20. The school staff acknowledge that the assistant principal participating in the March 10, 2016 IEP team meeting in the capacity as the representative of the school system was not present for the entire meeting. There is no documentation that the complainant agreed to the assistant principal's exit before the end of the meeting. The meeting had to be continued to another date due to time constraints. There is no documentation that the IEP team was unable to make decisions about the student's program or placement due to the lack of a public agency representative (Interview with the complainant and interview with the school staff).
21. There is documentation that the IEP team reconvened on April 6, 2016, as a continuation of the March 10, 2016 IEP team meeting. The sign-in sheet of attendees at the April 6, 2016, IEP team meeting documents that the meeting included the required participants (Docs. p and r).

### **DISCUSSION/CONCLUSIONS:**

The IEP team must include not less than one (1) regular education teacher of the student, not less than one (1) special education teacher *or provider* [Emphasis added] of the student, a representative of the public agency, and an individual who can interpret the instructional implications of evaluation results, who may also be a required member of the IEP team (34 CFR §300.321).

In this case, the complainant alleges that the March 10, 2016 IEP team meeting did not include the proper participants because it did not include the student's special education teacher and because the assistant principal left the meeting before it was over (Interview with the complainant).

Based on the Findings of Facts #18 and #19, the MSDE finds that the March 10, 2016 IEP team meeting included a special education provider of the student. Therefore this office does not find a violation with respect to this aspect of the allegation.

However, based on the Findings of Facts #18 and #19, the MSDE finds that the public agency representative did not participate for the entire duration of the meeting. Therefore, this office finds that a violation occurred. Notwithstanding the violation, based on the Findings of Facts #20 and #21, the MSDE finds that the absence of the public agency representative at the end of the March 10, 2016 IEP team meeting did not impact the team's ability to make determinations

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regarding the student's program and placement. Therefore, no student-specific corrective action is required.

**ALLEGATION #4                      PROVISION OF THE COMPLETED IEP FOLLOWING  
THE MARCH AND APRIL 2016 IEP TEAM MEETINGS**

**FINDINGS OF FACTS:**

22. The IEP team convened on March 10, 2016 to review the student's IEP and to conduct reevaluation planning. There is documentation that the IEP team meeting exceeded two (2) hours, and that the IEP team did not complete reevaluation planning and was unable to conduct a review of the IEP at the March 10, 2016 IEP team meeting (Docs. g, k and r).
23. On April 6, 2016, the IEP team reconvened to continue the IEP team meeting that began on March 10, 2016. While the IEP team recommended updated assessments in order to gain more information about the student's progress, the IEP team determined that the student's annual IEP goals and current services remained appropriate based on the current information. The written summary of the meeting indicates that the IEP team agreed to revise the IEP to update the present levels of performance and to document the complainant's concerns (Docs. l, p and r, and interview with the school staff).
24. The school staff's parent contact log indicates that, on April 27, 2016, the school staff sent an IEP to the complainant's home. The documentation also reflects that, on April 28, 2016, the school staff "handed" the IEP to the complainant when she was at the school, and that, on May 2, 2016, the school staff mailed the IEP to the complainant, via certified mail (Doc. r).

**DISCUSSION/CONCLUSION:**

The public agency must ensure that parents are provided with a copy of the IEP within five (5) business days of the date of an IEP team meeting. If the IEP has not been finalized, a draft IEP must be provided. However, a violation of this requirement does not constitute a denial of a FAPE (COMAR 13A.05.01.07 and Md. Code Ann., Educ., §8-405).

Based on the Finding of Fact #22, the MSDE finds that the IEP team did not review the IEP on March 10, 2016. Therefore, there was no requirement to provide the complainant with an IEP following that meeting, and this office does not find a violation with respect to this aspect of the allegation.

However, based on the Finding of Fact #23, the MSDE finds that the IEP team began a review of the student's IEP on April 6, 2016, and, while it did not complete the review, the IEP team determined the student's present levels of performance. Therefore, the BCPS was required to provide a draft IEP to the complainant following the meeting. Based on the Findings of Facts #23 and #24, the MSDE finds that the complainant was not provided with an IEP following the

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April 6, 2016 IEP team meeting until April 27, 2016. Therefore, the MSDE finds that a violation occurred with respect to this aspect of the allegation.

Notwithstanding the violation, based on the Finding of Fact #26, the MSDE finds that a draft IEP was subsequently provided to the parent. Therefore, no corrective action is needed to redress the violation.

**ALLEGATION #5                      PROVISION OF PRIOR WRITTEN NOTICE OF THE  
DECISIONS MADE AT THE IEP TEAM MEETINGS ON  
MARCH 10, 2016 AND APRIL 6, 2016**

**FINDINGS OF FACTS:**

25. The IEP team convened on March 10, 2016 to review the student's IEP and to conduct reevaluation planning. There is documentation that the IEP team did not complete the reevaluation planning and was unable to conduct the review of the student's IEP at the March 10, 2016 IEP team meeting (Docs. i, k, p and r).
26. There is also documentation that the school staff prepared a Prior Written Notice document summarizing the March 10, 2016 IEP team meeting. A review of the notice indicates that, while the IEP team reviewed current assessment data and information about the student's progress, the IEP team did not make any decisions or refuse any proposals at the March 10, 2016 IEP team meeting (Doc. k).
27. On April 6, 2016, the IEP team reconvened to continue the IEP meeting that started on March 6, 2016. Because the IEP team determined that additional information is needed, the IEP team did not make any revisions to the student's program. However, the IEP team agreed to update the IEP to reflect the student's present levels of performance and to document the complainant's parent input. The school staff prepared a Prior Written Notice document, dated April 26, 2016, to reflect the decisions made by the IEP team at the April 6, 2016 IEP team meeting (Doc. l).
28. The school staff's log of contacts with the complainant documents that the school staff "handed" the Prior Written Notice to the complainant on April 28, 2016, and mailed the Prior Written Notice to the complainant on May 2, 2016, via certified mail (Doc. r).

**DISCUSSION/CONCLUSION:**

Written notice must be provided to parents when the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a Free Appropriate Public Education (FAPE) to the student. The written notice must include a statement of the action proposed or refused, an explanation of the basis for the decision, a description of the data used in making the decision, a description of other options considered, and information on where the parents can obtain assistance in understanding the information provided (34 CFR §300.503).

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Based on the Findings of Facts #27 and #28, the MSDE finds that the IEP team did not make any revisions to the student's program or placement at the March 10, 2016 IEP team meeting. Therefore, there was no requirement to provide the complainant with written notice following the March 10, 2016 IEP team meeting. Further, based on the Findings of Facts #29 and #30, the MSDE finds that there is documentation that the complainant was provided with written notice documenting the decisions made by the IEP team at the April 6, 2016 IEP team meeting. Therefore, the MSDE does not find a violation occurred.

### **CORRECTIVE ACTIONS/TIMELINE:**

#### **Student-Specific**

The MSDE requires the BCPS to provide documentation, by September 30, 2016, that the student is being provided with special education instruction by a special education teacher and the accommodations and supplementary aids and services as required by the IEP.

The MSDE also requires the BCPS to also provide documentation, by September 30, 2016, that the IEP team has convened and determined the amount and nature of compensatory services required to remediate the violations identified in this Letter of Findings. The IEP team must also develop a plan for the provision of those services within one (1) year of the date of the Letter of Findings.

#### **School-Based**

The MSDE requires the BCPS to provide documentation, by September 30, 2016, of the action needed to ensure that the school staff at XXXXXXXXX complies with the requirements to ensure the following:

1. That special education instruction is provided by the provider required by the IEP;
2. That accommodations and supplementary aids and services are provided in accordance with each student's IEP, and not solely on curriculum lesson plans;
3. That IEP team meeting participants remain for the entire IEP team meeting unless the parent agrees to the participant leaving the meeting early; and
4. That an IEP is provided to parents within five (5) days of the date that the IEP is reviewed.

The MSDE requires the BCPS to provide documentation, by August 1, 2016, of the steps it has taken, including staff training, to ensure that XXXXXXXXXXXX provides accommodations and supplementary aids and supports based on a student's individual needs.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

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**TECHNICAL ASSISTANCE:**

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that both the complainant and the BCPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirement as reported in this Letter of Findings.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. 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 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 Special Education/  
Early Intervention Services

MEF:ksa

c: Tammy Turner  
Jennifer Dull  
XXXXXXXX  
Anita Mandis  
Nancy Birenbaum  
Linda Chen  
Darnell Henderson  
Dori Wilson  
K. Sabrina Austin