



Karen B. Salmon, Ph.D.
State Superintendent of Schools

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October 12, 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: Equitable Services for Parentally-Placed
Private School Students

Reference: #17-024

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.

ALLEGATION:

On August 15, 2016, the MSDE received a complaint from Ms. XXXXXXXXXXXXX, Ms. XXXXXXXXXXXXX, XXXXXXXXXXXX, and Mrs. XXXXXXXXXXXXX, hereafter, “the complainants,” on behalf of parentally-placed private school students in Baltimore City. In that correspondence, the complainants alleged that the Baltimore City Public Schools (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to ensuring the participation of parentally-placed private school students in a program that provides special education and related services.

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The MSDE investigated the allegation that the BCPS has not ensured that timely and meaningful consultation has been conducted with private school representatives during the design and development of special education and related services for children with disabilities who are parentally-placed in private schools, in accordance with 34 CFR §§300.132 - .136.

INVESTIGATIVE PROCEDURES:

1. On August 19, 2016, the MSDE sent a copy of the complaint, via facsimile, to Ms. Tiffany Clemmons, Executive Director of Specialized Services, BCPS; Ms. Diana K. Wyles, Associate Counsel, Office of Legal Counsel, BCPS; and Mr. Darnell L. Henderson, Associate Counsel, Office of Legal Counsel, BCPS.
2. On August 25, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, the MSDE notified Ms. Clemmons of the allegation and requested that her office review the alleged violation.
3. On August 26, 2016, the MSDE requested documents from Mrs. XXXXXXXXXXXXXXXX.
4. On August 29, 2016, Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, conducted a telephone interview with Mrs. XXXXXXXXXXXX about the allegation. On the same date, Ms. Janet Zimmerman, Compliance Specialist, MSDE, requested documents from the BCPS.
5. On September 8, and 12, 2016, the MSDE received the requested information from the school system staff.
6. On September 7, 8, 12, and 14, 2016, the MSDE received additional documentation from Mrs. XXXXXXXX.
7. On September 9, 2016, Ms. Zimmerman reviewed documents at the BCPS Central Office with Mr. Henderson.
8. On September 27, 2016, Ms. Zimmerman and Ms. Mandis conducted a site visit to the BCPS Central Office and interviewed Mr. Matthew Hoffman, BCPS Coordinator of Administrative Services, and Mr. James Padden, BCPS Director of Related Services. Mr. Henderson attended the site visit as a representative of the BCPS and to provide additional information on the school system's policies and procedures, as needed.
9. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:

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- a. The Plan for Parentally Placed Private School Students from the BCPS Local Application for Federal Funds;
- b. Electronic mail messages between the BCPS staff and Mrs. XXXXXXXXXXXX, dated August 6, 2015 to August 11, 2015;
- c. Electronic mail messages between the BCPS staff and members of the Parentally Placed Private School Workgroup, dated between September 22, 2015 and November 20, 2015;
- d. Table 21 MSDE report of the number and percent of parentally placed private school students by county, dated October 1, 2015;
- e. Parentally Placed Private School Workgroup Agenda, dated December 3, 2015;
- f. Notes from the December 3, 2015 Parentally Placed Private School Workgroup;
- g. Electronic mail messages between the BCPS staff and a member of the Parentally Placed Private School Workgroup, dated January 7, 2016;
- h. Sample invitation to attend the May 19, 2016 consultation meeting from the BCPS to The XXXXXXXX High School of Baltimore, dated April 25, 2016;
- i. Electronic mail messages between the BCPS staff and Mrs. XXXXXXXXXXXX and a representative from the XXXXXXXX of Baltimore, dated April 26, 2016;
- j. Electronic mail messages between the BCPS and MSDE staff, dated May 17, 2016;
- k. Agenda for the May 19, 2016 consultation meeting;
- l. Sign in sheet for the May 19, 2016 consultation meeting;
- m. Electronic mail messages among the BCPS staff, dated May 26, 2016 to September 8, 2016;
- n. Electronic mail message between the BCPS staff, dated June 16, 2016;
- o. PowerPoint presentations for the February 25, 2014, February 19, 2015, and May 19, 2016 consultation meetings;
- p. Memorandum of Understanding (MOU) developed for the 2014-2015 and 2016-2017 school years;
- q. Current and previous Child Find brochures;
- r. The list of private schools to participate in consultation meetings;
- s. Letter from the BCPS forwarding Child Find information to public libraries and pediatricians, dated September 6, 2016;
- t. Letter from the BCPS forwarding the 2016-2017 MOU to private schools, dated September 9, 2016; and
- u. Correspondence from the complainants containing an allegation of a violation of the IDEA, received by the MSDE on August 15, 2016.

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FINDINGS OF FACTS:

1. The BCPS convenes a meeting with private school representatives on a yearly basis in order to consult with them about the provision of services to parentally-placed private school students. In addition, the school system has established a private school workgroup to serve as the vehicle for ongoing consultation with private school representatives. The workgroup members are asked to help facilitate communication between their member schools and the school system (Docs. a, c, e – g, n, and o).
2. Mrs. XXXXXXXXXXXX, who serves as an advocate for parentally-placed private school students, was invited to participate on the workgroup, and information was solicited from her about other individuals to include in the workgroup and the topics that they wanted to cover when the workgroup convened. Mrs. XXXXXXXXXXXX requested that representatives from the XXXX and JXXXXXX schools be included, and the BCPS agreed. Mrs. XXXXXXXXXXXX also asked for MSDE staff members to participate, but the BCPS rejected this request, in writing, explaining that the workgroup had a sufficient number of members and that the intent was not to replicate the consultation meeting. The last time the workgroup met was on December 3, 2015¹ (Doc. c).
3. Documentation of the December 3, 2015 workgroup meeting reflects that the workgroup discussed a plan for improving data gathering and sharing in response to concerns raised about the number of parentally-placed private school students identified with disabilities. The documentation also reflects that the school system solicited input from the workgroup regarding revisions to a Child Find brochure and other ways of disseminating Child Find information. The documentation reflects that the updated brochure would be shared with the private school representatives at the next consultation meeting. It also reflects that the workgroup discussed sending Child Find information to public libraries and that Mrs. XXXXXXXXXXXX suggested radio advertising or television messaging on public television (Doc. f).
4. At the December 3, 2015 workgroup meeting, input was also requested on revisions to the Memorandum of Understanding (MOU) regarding the services to be provided to parentally-placed private school students. It was discussed that the last MOU, which was developed for the 2014-2015 school year, would be the one that would be presented at the next consultation meeting for discussion (Doc. f).
5. While the school system planned to convene the consultation meeting with private school representatives around March, 2016, it did not occur until May 19, 2016. Following the

¹ In September, 2015, the BCPS staff began working with members of the workgroup to find a convenient date for the meeting (Doc. c).

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May 19, 2016 consultation meeting, the MOU was revised for the 2016-2017 school year. Therefore, the MOU developed for the 2014-2015 school year was also in effect during the 2015-2016 school year (Docs. p, t, and u).

6. Prior to the December 3, 2015 workgroup meeting, Mrs. XXXXXXXXXXXX contacted the BCPS staff on August 6, 2015 to report that she was informed that the school system was only providing one (1) thirty (30) minute session of speech services per week to a parentally-placed private school student. In that correspondence, Mrs. XXXXXXXXXXXX indicated that there was evidence that other students were receiving two (2) thirty (30) minute sessions per week. In response, the BCPS staff explained that the MOU provides for one (1) thirty (30) minute session per week. The school system staff promised to investigate to determine whether some students were being provided more than that amount of service in error, and to address the matter at the next workgroup meeting (Doc. b).
7. The MOU has consistently reflected that the proportionate share will be used to provide one (1) thirty (30) minute session of speech services per week to parentally-placed private school students. The school system staff acknowledge that, as a result of Mrs. XXXXXXXXXXXX's inquiry, it discovered that some school staff were providing more speech services than what was designated in the MOU. The documentation of the December 3, 2015 workgroup reflects that there was a discussion about linking Child Find data to assessment and service information in order to ensure that students are receiving the amount of services specified in the MOU (Docs. f, p, and interviews with the school system staff).
8. Documentation of the December 3, 2015 workgroup meeting reflects that Mrs. XXXXXXXXXXXX raised the concern that not serving students beyond fifth (5th) grade may impact the number of students identified with disabilities since referral for evaluation may not be made if services will not be provided. However, the documentation of the meeting, which was provided to the MSDE by the complainants, specifically states that Mrs. XXXXXXXXXXXX was not requesting that services be extended to students beyond the fifth (5th) grade. It states that Mrs. XXXXXXXXXXXX requested that the only change made to the MOU be the discontinuation of behavior consultation services. The documentation further reflects that Mrs. XXXXXXXXXXXX requested that the proportionate share be recalculated based on her understanding that third party reimbursement had been inappropriately obtained for services that were provided to parentally-placed private school students (Doc. f).
9. On April 25, 2016, invitations were sent to private schools to attend a consultation meeting that was held on May 19, 2016. On April 26, 2016, Mrs. XXXXXXXXXXXX and a representative from the XXXXXX of Baltimore were also notified of the meeting by electronic mail message. However an invitation was not sent to any parent representatives except for Mrs. XXXXXXXXXXXX. Following a suggestion by a MSDE XXX

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staff member on May 17, 2016 to update its list of invitees with information on the MSDE website, the BCPS subsequently revised its list to include 69 schools, including those

listed on the MSDE website as Approved Nonpublic Schools and Publicly Funded Special Schools. However, the list of invitees does not include additional parent representatives (Docs. h – j, n, and r).

10. The invitation to the May 19, 2016 consultation meeting and the agenda for the meeting document that the consultation process involved a report on the December 3, 2015 workgroup meeting and a discussion of the calculation of the proportionate share funds and the services to be provided to parentally-placed students. However, there is no documentation of a discussion of how special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school students (Docs. h and k).
11. The current Child Find brochure states that children who are attending private or parochial schools located in Baltimore City, regardless of residency, are to be included in the Child Find process and includes information on who to contact to request an IDEA evaluation. The previous brochure stated that the private or parochial school had to be “approved by the MSDE” (Doc. q).
12. A PowerPoint presentation used during the previous consultation meeting in 2015 includes information about what the school system must do if there is a disagreement with private school representatives about the services to be provided. However, there is no documentation that this information was provided during the latest consultation process. There is also no documentation of discussion of what the school system must do if signed affirmation is not provided (Doc. o and interviews with the school system staff).
13. The BCPS maintained a sign in sheet for the May 19, 2016 consultation meeting reflecting the participation of five (5) representatives from Jewish schools, one (1) representative from the XXXXXX of Baltimore, one (1) representative from the Baltimore Lab School, and two (2) MSDE staff members. However, the BCPS did not obtain signed affirmations from the representatives and did not submit documentation of the consultation process to the MSDE (Doc. l and interviews with the school system staff).
14. The MOU developed following the May 19, 2016 consultation meeting reflects that behavior consultation services were discontinued consistent with Mrs. XXXXXXXXXXXX’s request. Consultative services in other areas, such as occupational therapy, physical therapy, and speech, which had previously been included, were also discontinued. However no written explanation was provided to Mrs. XXXXXXXXXXXX of why the school system chose to discontinue those services despite her request that only the behavior consultation services be discontinued (Docs. f and p).

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15. There is no information or documentation that the complainants or other private school representatives have expressed concerns to the school system about whether it is including administrative costs in its calculation of the proportionate share of Part B funds (Docs. e, f, and k).
16. There is documentation that service providers have been notified by the BCPS staff that they may not submit requests for reimbursement from Medicaid for services provided through a service plan. The BCPS staff report that an internal investigation resulted in a finding that no third party reimbursement was obtained for the provision of services to parentally-placed private school students. However, Mrs. XXXXXXXXXXXX was not provided with a written explanation for why the proportionate share was not recalculated as she requested (Doc. m).
17. On September 6, 2016, the BCPS sent information about Child Find to Baltimore City Public Libraries and pediatricians, requesting that they be posted and made available as a community information resource. However, there is no information that the school system is planning for radio advertising or television messaging on public television as requested by Mrs. XXXXXXXXXXXX, and there is no documentation that Mrs. XXXXXXXXXXXX has been provided with a written explanation for any disagreement with her request (Docs. n and s).
18. On September 9, 2016, the BCPS distributed the updated MOU to the private schools on its current list that was revised since the May 19, 2016 consultation meeting (Docs. n and t).
19. The BCPS website contains information about the Child Find requirements and about the requirements for serving parentally-placed private school students (www.baltimorecityschools.org).
20. The MSDE child count data as of October 1, 2015 reflects that the number of parentally-placed private school students identified with a disability under the IDEA who had service plans in 2013 was 63, in 2014 was 50, and in 2015 was 51,² or .4% of the total population of students identified with disabilities in Baltimore City. Another 22 students or .2%, were identified in 2015, but were not provided with a service plan (Doc. d).
21. The BCPS is conducting recruitment activities in order to hire a Private School Special Education Liaison to focus on ensuring compliance with the requirements for serving

² The BCPS PowerPoint presentation for the May 19, 2016 consultation meeting states that the current number of parentally-placed private school students is 53. The MSDE report of the number and percent of parentally-placed private school students by county from October 1, 2015 states the following: "Data may not reflect actual numbers or data may be incomplete. MSDE is working with local agencies to improve the accuracy of the data" (Docs. d and o).

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parentally-placed private school students (www.baltimorecityschools.org).

DISCUSSION/CONCLUSIONS:

The Consultation Process and Required Documentation

To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private schools located in school district served by a Local Education Agency (LEA), provision must be made for the participation of those children in the program assisted or carried out under Part B of the IDEA by providing them with special education and related services. Each LEA must spend an amount that is the same proportion of the LEA's total IDEA subgrant as the number of private school children with disabilities who are enrolled by their parents in private schools located in the school district served by the LEA (34 CFR §§300.132 and .133).

In calculating the proportionate amount of Part B funds to be provided for parentally-placed private school children with disabilities, the LEA, after timely and meaningful consultation with representatives of private schools, must conduct a thorough and complete Child Find process to determine the number of parentally-placed children with disabilities attending private schools located in the LEA. The LEA must determine the number of parentally-placed private school children with disabilities attending private schools located in the LEA. This count must be used to determine the amount that the LEA must spend on providing special education and related services to parentally-placed private school children with disabilities in the next subsequent fiscal year (34 CFR §300.133).

To ensure timely and meaningful consultation, the LEA must consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the children. The consultation must cover the following:

- (a) The Child Find process, including how parentally-placed private school children suspected of having a disability can participate equitably, and how parents, teachers, and private school officials will be informed of the process;
- (b) The determination of the proportionate share of IDEA funds available to serve parentally-placed private school children with disabilities, including the determination of how the proportionate share of those funds was calculated;
- (c) The consultation process among the LEA, private school officials, and representatives of parents of parentally-placed private school children with disabilities, including how the process will operate throughout the school year to ensure that children who are identified through the Child Find process can meaningfully participate in special education and related services;

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- (d) How, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities, including a discussion of:
 - 1. The types of services;
 - 2. How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children; and
 - 3. How and when those decisions will be made; and

- (e) How, if the LEA disagrees with the views of the private school officials on the provision of services or the types of services, the LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract (34 CFR §300.134).

The United States Department of Education, Office of Special Education Programs (OSEP) has indicated that effective consultation provides a genuine opportunity for all parties to express their views and to have those views considered by the LEA before the LEA makes any decision that has an impact on services to parentally placed private school students with disabilities. A unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation, as such an offer does not meet the basic requirements of the consultation process (*Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools*, OSEP, April 2011).

Examples of consultation practices that have proven to work for LEAs include establishing a private school working group to serve as the vehicle for ongoing consultation. In selecting members for this group, LEAs may contact larger private school organizations such as the XXXXXXXXXXXX Schools Office in the local diocese or the Board of Jewish Education for the region. Such groups can help facilitate communication between their member schools and the LEAs in which they are located (*Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools*, OSEP, April 2011).

The OSEP has explained that the LEA makes the final decisions about the service to be provided to eligible parentally placed private school students with disabilities. However, if the LEA disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the LEA must provide to the private school officials a written explanation of the reasons why the LEA chose not to accept the recommendations of the private school officials (*Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools*, OSEP, April 2011).

In this case, the complainants allege that they have “repeatedly called for stronger Child Find efforts as the number of [parentally-placed private school students identified] dwindles, sending the participation in to a downward spiral.” They further allege that “no efforts to solicit information” about how the school system implements its Child Find obligation have been made. In addition, the complainants allege that the BCPS does not publicize information about IDEA

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screening and referral through any other medium that provides access to the information other than through print, as suggested by the MSDE in its *Technical Assistance Bulletin #6 - Child Find*. The complainants also allege that the Child Find brochure contains a mistaken description of schools eligible to participate as those “approved by the MSDE” (Doc. u).

Based on the Findings of Facts #1 - #3, #7, #10, #11, and #19, the MSDE finds that the documentation does not support these allegations. However, based on the Findings of Facts #3 and #17, the MSDE finds that there is no evidence that the BCPS is obtaining radio advertising or television messaging on public television as requested by Mrs. XXXXXXXXXXXX or has provided her with a written explanation for why it will not provide these Child Find services that she has requested.

In addition, based on the Findings of Facts #10 and #12, the MSDE finds that there is no documentation that the consultation process involved a discussion of how, if the school system disagrees with the views of the private school officials on the provision of services, it will provide a written explanation of the basis for its decisions or of how services will be apportioned if insufficient to serve all students. Therefore, the MSDE finds that a violation occurred.

The complainants assert that the BCPS has not offered services to parentally-placed private school students beyond the fifth (5th) grade, which creates a disincentive for referrals to be made for evaluation. They report that 2% of students taking the Scholastic Aptitude Test (SAT) receive accommodations, which is “much higher than the percentage of students with disabilities in private schools as reported by City Schools.” Therefore, the complainants believe that the BCPS has under-identified the number of students with disabilities who are parentally-placed in private schools (Doc. u).

Based on the Finding of Fact #8, the MSDE finds that, while services are not provided to parentally-placed private school students beyond fifth (5th) grade, the fact that there is a larger percentage of students receiving accommodations on the SAT than parentally-placed private school students who are identified under the IDEA does not demonstrate that there is under-identification of these students. Accommodations are provided not only to students with disabilities under the IDEA, but also to students with disabilities under Section 504 of the Rehabilitation Act of 1974, who would not be identified as students with disabilities under the IDEA.

The complainants state that “it appears that there may be a discrepancy between LEA data and SEA data on the count of parentally-placed private school students, and a difficulty in determining the number of students who were referred, evaluated and identified” (Doc. u).

Based on the Findings of Facts #3, #8, #20, and #21, the MSDE finds that the BCPS is working with representatives of private schools on how to improve the accuracy of the child count for parentally-placed private school students, as required.

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In addition, the complainants allege that “sometime after the spring 2014 meeting, a decision was made to lower the limit for speech language therapy to 30 minutes,” and that “this was not clearly nor universally communicated to IEP teams or private schools” in violation of the consultation requirements (Doc. u).

Based on the Findings of Facts #4 - #7, the MSDE finds that the documentation does not support the allegation that the school system decided to lower the limit for speech language therapy after the spring 2014 consultation meeting.

The complainants further allege that “many private and parochial schools were not invited to participate in the consultation [process] during the 2014-15 and 2015-16 school years, despite the availability of their addresses through the MSDE website.” They also allege that the schools that were invited were not provided with timely notice of the meeting, and that no parent representatives were invited (Doc. u).

Based on the Finding of Fact #9, the MSDE finds that there is documentation that invitations to the meeting were sent by the BCPS to representatives of private schools in a timely manner, and that the BCPS has taken steps to increase the number of private schools to include in its consultation process.³ However, based on that Finding of Fact, the MSDE finds that Mrs. XXXXXXXXXXXX is the only representative of parents of parentally private school students who is invited to participate in the consultation process. Therefore, the MSDE finds that a violation occurred with respect to this aspect of the allegation.

The complainants assert that they were not provided with a written explanation for why the school system chose not to offer services to students beyond the fifth (5th) grade as they requested (Doc. u).

Based on the Finding of Fact #8, the MSDE finds that the documentation does not support the allegation that the complainants requested that services be offered beyond the fifth (5th) grade. However, based on the Findings of Facts #8 and #14, the MSDE finds that the BCPS did not provide a written explanation for its disagreement with Mrs. XXXXXXXXXXXX about the types of services to be provided to parentally-placed private school students. Therefore, this office finds that a violation occurred.

Written Affirmation

After timely and meaningful consultation has occurred, the LEA must obtain a written affirmation signed by the representatives of the participating private schools. If the representatives do not provide the affirmation within a reasonable period of time, the LEA must

³ This investigation covers only those allegations of violations that occurred within one year of the date that the State complaint was filed, in accordance with 34 CFR §300.153.

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forward the documentation of the consultation process to the State Education Agency (SEA) (34 CFR §300.135). The OSEP has explained that having private school representative sign an attendance sheet at a meeting does not provide evidence that ongoing consultation has occurred (*Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools*, OSEP, April 2011).

In this case, the complainants allege that the affirmation of participation provided by the BCPS did not include a statement that consultation would be ongoing throughout the year, as required (Doc. u).

Based on the Finding of Fact #13, the MSDE finds that, while the BCPS has maintained a sign in sheet of the participants of the consultation meeting, it did not meet the requirements of affirmation from the participants and did not forward documentation of the consultation process to the MSDE, as required. Therefore, this office finds that a violation occurred.

Additional Concerns

The complainants express concern that the school system is inappropriately including administrative costs to meet the requirement to spend a proportionate share of Part B funds on students with disabilities placed by their parents in private schools (Doc. u).

Based on the Findings of Facts #10 and #15, the MSDE finds that, while there is documentation of consultation with the private school representatives about the calculation and expenditure of the proportionate share funds, there is no evidence that the complainants or any other private school representatives have expressed concern during the consultation process about the inclusion of administrative costs in its calculations.

However, because the school system did not obtain affirmation of timely and meaningful consultation, the Resource Management and Monitoring Branch, MSDE, is reviewing the school system's expenditure of the proportionate share funds and will work with the BCPS, as appropriate, to ensure compliance with the requirements.

The complainants also express concern that the BCPS has submitted requests for reimbursement from Medicaid for services provided under service plans (Doc. u).

Based on the Findings of Facts #8 and #16, the MSDE finds that the BCPS has not provided Mrs. XXXXXXXXXXXX with a written explanation for its decision not to recalculate the proportionate share, as she requested on December 3, 2015, based on her belief that Medicaid reimbursement has been obtained for services provided to parentally-placed private school students. Therefore, the MSDE finds that a violation occurred.

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The Interagency Collaboration Branch, MSDE, is working with the BCPS and the Maryland Department of Health and Mental Hygiene, which administers the Medicaid Program in Maryland, to evaluate the extent to which claims have been submitted and paid and to determine the action to be taken.

CORRECTIVE ACTIONS/TIMELINE:

The MSDE requires the BCPS to provide documentation by December 1, 2016 that it is either obtaining radio advertising or television messaging about the Child Find process or has provided Mrs. XXXXXXXXXXXX with a written explanation for why it will not provide these Child Find services. The BCPS must also provide Mrs. XXXXXXXXXXXX with a written explanation for why it did not recalculate the proportionate share and why it disagrees with her regarding the types of services to be provided to parentally-placed private school students.

The MSDE also requires the BCPS to provide documentation by February 1, 2017 of the steps taken to ensure the following:

- a. That representatives of parents of parentally-placed private school students are included in the consultation process;
- b. That the consultation process will involve a discussion of how, if the school system disagrees with the views of the private school officials, it will provide a written explanation of the basis for its decisions, and that such action is taken if a disagreement arises;
- c. That the consultation process will involve a discussion of how special education and related services will be apportioned if funds are insufficient to serve all parentally-paced private school students; and
- d. That if affirmation is not obtained from the consultation participants, the school system forwards documentation of the consultation process to the MSDE.

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.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Ms. Bonnie Preis, Compliance Specialist, MSDE, at (410) 767-7770.

Please be advised that the BCPS and the complainants have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with

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the findings of fact 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 within the timelines reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/Early Intervention Services

MEF:am

c: Tammy Turner
Darnell L. Henderson
Dori Wilson
Gary Richardson
Carmen Brown
Anita Mandis
Bonnie Preis
Roslyn Hodnett
Veda Usilton