



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

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February 2, 2018

Renuka Rege, Esq.
Staff Attorney
Public Justice Center
1 N. Charles Street, Ste. 200
Baltimore, Maryland 21201

Ms. Debra Brooks
Director of Special Education
Baltimore City Public Schools
200 East North Avenue, Room 204 B
Baltimore, Maryland 21202

RE: XXXXX
Reference: #18-056

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 December 13, 2017, the MSDE received a complaint from Renuka Rege, Esq., 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 student.

The MSDE investigated the allegation that the BCPS did not follow proper procedures when disciplinarily removing the student from school on September 8, 2017, in accordance with 34 CFR §§300.530 – .536, COMAR 13A.08.03, and COMAR 13A.05.01.10.

BACKGROUND:

The student is 15 years old, is identified, under the IDEA, as a student with an Other Health Impairment, due to an Attention Deficit Disorder. He has an IEP that requires the provision of special education and related services.

He attended XX from the start of the 2017 - 2018 school year until, January 9, 2018, when he was placed by the Maryland Department

of Juvenile Services (DJS) at the Baltimore City Juvenile Justice Center (BCJJC). He is currently being provided educational services by the Maryland State Department of Education, Juvenile Services Education System (JSES).

FINDINGS OF FACTS:

1. As a result of a behavioral incident, the student was not permitted to attend school between 8:15 A.M. and 3:05 P.M. from September 11, 2017 through September 22, 2017. The student was, however, allowed to complete work packets with the principal during after school hours for those ten (10) days. However, the BCPS did not document the student's removal as a disciplinary removal.¹
2. On December 22, 2017, the student was disciplinarily removed from school for five (5) school days, which began on January 2, 2018. Because there was no documentation of the prior discipline removal, the student was not provided with disciplinary protections.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts #1 and #2, the MSDE finds that due to lack of proper documentation of all disciplinary removals in the student's record, the student wasn't provided with the disciplinary protections after the tenth day of removal, in accordance with 34 CFR §§300.530 – .536. Therefore, this office finds that a violation occurred with respect to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the BCPS to provide documentation by March 1, 2018 that it has requested that the JSES convene an IEP team with participation by the BCPS. At the IEP team meeting, the IEP team is to determine the services that the BCPS will ensure are provided to compensate the student for the violation identified. The IEP team must develop a plan for the provision of those services within a year of the date of this Letter of Findings.

School-Based

The MSDE requires the BCPS to provide documentation by April 1, 2018 of the steps taken to ensure that the XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX staff follow proper procedures to document each disciplinary removal to ensure the provision of disciplinary protections after the tenth day of removal in a school year.

¹ Each time a student is removed from his or her educational setting for a violation of a student code of conduct, the school staff must document all removals in the student's record (MSDE, Division of Special Education/Early Intervention Services Discipline of Students with Disabilities, September 2009).

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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 Consultant, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that the BCPS and the complainant 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 the findings of fact or conclusions reached in this Letter of Findings. The additional written documentation must be accompanied by a substantial explanation of why it was not provided 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. The student's parent and the school system 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 and 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 due process.

Sincerely,

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

MEF: sf

c:	XXXXXXX	Dori Wilson
	Sonja B. Santelises	Anita Mandis
	Darnell L. Henderson	Sharon Floyd
	XXXXXXX	Bonnie Pries