



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

July 24, 2018

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Ms. Rebecca Rider
Director of Special Education
Baltimore County Public Schools
The Jefferson Bldg. 4th Floor
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: XXXXXXXXXXXXXXXXXXXX
Reference: #18-166

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention 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 May 25, 2018, the MSDE received a complaint from Mr. XXXXXXXXXXX and Mrs. XXXXXXXXXXX, hereafter, “the complainants,” on behalf of their daughter, the above-referenced student. 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.

The MSDE investigated the allegation that the BCPS has not ensured that the placement determined by the Individualized Education Program (IEP) team would address the student’s needs during the 2017-2018 school year, in accordance with 34 CFR §§300.116 and .324.

BACKGROUND:

The student is 4 years old and is identified as a student with a Developmental Delay under the IDEA. The student is parentally-placed at the XXXXX school, a nonpublic special education school.

FINDINGS OF FACTS:

1. On June 12, 2017 and August 30, 2017, the IEP team convened to determine special education eligibility for the student. The team reviewed formal and informal assessments, parent, private, teacher, and therapist reports and determined that the student has a Developmental Delay and required special education services. Based on the results, the team developed a draft of the student's initial IEP, which identified needs in the areas of academics, fine and gross motor skills, and communication. The team developed goals in the areas of math, literacy, responding to spoken language, using observational vocabulary, speech production, fine and gross motor skills, functional mobility, and personal/social skills.
2. The IEP indicates that the student would be provided with supports, including assistive technology devices, monitoring of instruction for additional processing and response time, strategies to initiate and sustain attention, social skills training, close adult supervision for safety, speech/language pathologist consult, occupational therapy consult, toileting assistance, and assistance with "self-care activities."
3. The IEP reflects the provision of instructional services in a general education preschool classroom for ten (10) hours a week, with instruction provided by a general and special education teacher, and an instructional assistant. The IEP includes the provision of individual speech/language services, two (2) times each week for one (1) hour each week, in-classroom speech/language services once each week for thirty (30) minutes, in-classroom occupational therapy once each week for thirty (30) minutes, and in-classroom physical therapy once each week for thirty (30) minutes. The IEP also includes transportation as a related service, which includes the support of a child safety seat and adult supervision during transport.
4. The IEP team determined that, based on evaluation results, input from the complainants and the school staff, and the student's educational needs, she would receive special education services for a total of twelve and one half (12.5) hours each week in an "inclusive"¹ half-day preschool program to address her needs.

¹ This is a special education program that is delivered to students with disabilities in conjunction with a regular education curriculum that offers students with disabilities educational services in the natural environment, including local preschools and childcare settings, with typically-developing peers. The service provider is trained to modify and adapt curriculum and materials, as well as address behavioral concerns.

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5. The IEP team meeting summary, dated August 30, 2017, reflects that the complainants disagreed with the recommendation that the student be placed in a half-day preschool program and requested placement in the full day program in the non-public, special education school which she currently attends.
6. In response, the school-based members of the IEP team discussed the benefits that a four (4) year old student would receive from a program that included typically developing peers and that the recommendation of a half-day preschool program was the most developmentally appropriate placement in the Least Restrictive Environment (LRE) in which the IEP could be successfully implemented.

CONCLUSION:

Based on the Findings of Facts #1 - #6, the MSDE finds that the BCPS followed proper procedures to ensure that the placement that was determined was in the LRE in which the IEP could be implemented, in accordance with 34 CFR §§300.114, .116 and .324. Therefore, this office does not find that a violation occurred with respect to the allegation.

The complainants maintain the right to request that the IEP team reconvene to consider the most recent data if they decide to pursue a Free Appropriate Public Education (FAPE) from the school system.

TIMELINE:

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.

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 FAPE for the student, including issues subject to this State complaint investigation, consistent with the IDEA.

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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:ac

c: Verletta White
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XXXXXXXXXX
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