



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

April 22, 2019

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Ms. Lisa Jarboe
Frederick County Developmental Center
Infants and Toddlers Program Manager/Director
350 Montevue Lane
Frederick, Maryland 21702

RE: XXXXX
Reference: #19-120

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 child. This correspondence is the report of the final results of the investigation.

ALLEGATION:

On February 21, 2019, the MSDE received a complaint from Mr. XXXXXXXX, hereafter, “the complainant,” on behalf of his son, the above-referenced child. In that correspondence, the complainant alleged that the Frederick County Infants and Toddlers Program (FCITP) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced child.

The MSDE investigated the allegation that the FCITP did not follow proper procedures in response to a request to inspect and review the child’s early intervention record, in February 2019, in accordance with 34 CFR §303.405.

BACKGROUND:

The child is two (2) years old and is identified as a child with a Developmental Delay under the IDEA. He receives services through the FCITP and has an Individualized Family Service Plan (IFSP) that requires the provision of early intervention services.

FINDINGS OF FACTS:

1. On February 9, 2019, the complainant contacted the FCITP by electronic mail to request copies of the child's early intervention record.
2. On February 20, 2019, the complainant again, contacted the FCITP by email, regarding his outstanding request for copies of the child's early intervention record.
3. On February 23, 2019, the complainant was informed by the FCITP staff person that the copies were available for pick up in the FCITP office.
4. There is documentation that on February 25, 2019, the complainant picked up the child's early intervention record from the FCITP and signed for the documents.

CONCLUSION:

Based on the Findings of Facts #1 - #3, the MSDE finds that the FCITP did not respond to a request to inspect and review the child's early intervention record within the required timeline, in February 2019, in accordance with 34 CFR §303.405. Therefore, this office finds that a violation occurred with respect to the allegation.

Notwithstanding the violation, based on the Finding of Fact #4, the MSDE finds that the complainant was provided with copies of the child's early intervention record prior to the IFSP team meeting. Therefore, no further child action is required.

CORRECTIVE ACTION/TIMELINE:

The MSDE requires the FCITP to provide documentation within sixty (60) days of the steps taken to ensure that the violation does not recur.

TECHNICAL ASSISTANCE:

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 Early Intervention Services for the child, 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 Early Intervention/Special Education Services

MEF/ac

c: Theresa Alban
Michelle Concepcion
Linda Chambers
XXXXXXXX
Dori Wilson
Brian Morrison
Anita Mandis
Albert Chichester
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Nancy Birenbaum