




**Mohammed Choudhury**  
State Superintendent of Schools

November 15, 2021




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



RE:   
Reference: #22-006

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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 July 22, 2021, the MSDE received a complaint from Ms.  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.

On August 13, 2021, the MSDE sent correspondence to Ms.  which identified the allegations to be investigated and informed her that the above-referenced State complaint would be held in abeyance until the conclusion of the due process hearing, filed by the complainant on July 27, 2021. On October 12, 2021, the MSDE received notification that Ms.  had withdrawn her due process complaint, thereby initiating this investigation.

The MSDE investigated the following allegations:

1. The BCPS has not developed an Individualized Education Program (IEP) that addresses the student’s speech and occupational therapy needs since July 22, 2020, in accordance with 34 CFR §300.324.
2. The BCPS did not provide the complainant with written invitations to the IEP team meetings since July 22, 2020, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07D.



## **CONCLUSION:**

### **Speech**

Based on Findings of Facts #1- #3 and #5, the MSDE finds that between July 22, 2020 and October 5, 2021, the IEP did not reflect a need for Speech Language services, and that when that need was identified at the October 5, 2021 IEP team meeting, the IEP team addressed the need accordingly, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

### **Occupational Therapy**

Based on Findings of Facts #1- #2, #4 and #6, the MSDE finds that between July 22, 2020 and October 5, 2021, the IEP did not reflect a need for occupational therapy services, and when that need was considered at the October 5, 2021 IEP team meeting, the IEP team addressed it accordingly, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to this allegation.

## **ALLEGATION #2:                   WRITTEN INVITATIONS TO IEP TEAM MEETINGS SINCE JULY 22, 2020**

### **FINDINGS OF FACTS:**

7. An IEP team meeting was held on November 24, 2020. The PWN reflects that “all due diligence was made in an attempt to have the parent participate in the meeting,” however, there is no documentation that a written meeting notice was provided to the complainant.
8. An IEP team meeting was held on July 12, 2021. The parent contact log reflects that school staff contacted the complainant via electronic communication (email) on June 17, 2021 to confirm a date and time for the IEP meeting scheduled for July 12, 2021. On June 22, 2021, the parent contact log reflects that the parent confirmed availability for the meeting to occur on July 12, 2021.
9. On September 13, 2021 the parent contact log reflects that school staff delivered the written IEP team invitation “face to face” to the complainant for an IEP team meeting to be held in September 2021, which was later rescheduled several times by the complainant for October 5, 2021.

## **CONCLUSION:**

Based on the Findings of Facts #7 - #9, the MSDE finds that while there is documentation that the complainant was provided with written invitations to the July 12, 2021 and October 5, 2021 IEP team meetings, there is no documentation that a written invitation to the IEP team meeting held on November 24, 2020 was provided to the complainant, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07D. Therefore, this office finds that a violation occurred with respect to this allegation for that time period.

Notwithstanding the violation, based on Findings of Facts #8 and #9, the MSDE finds that the complainant has been provided with written invitations to subsequent meetings, therefore no further corrective action is required.

**ALLEGATION #3:                   PRIOR WRITTEN NOTICE OF IEP TEAM MEETING  
DECISIONS SINCE JULY 22, 2020**

**FINDINGS OF FACTS:**

10.     An IEP team meeting was held on November 24, 2020. There is no documentation that Prior Written Notice of the IEP team meeting decisions was provided to the complainant subsequent to the meeting.
11.     An IEP team meeting was held on July 12, 2021. The parent contact log reflects that on July 20, 2021, a hard copy of the IEP and the PWN from the meeting were mailed to the complainant.
12.     An IEP team meeting was held on October 5, 2021. The parent contact log and email from school staff to the complainant reflects that on October 8, 2021 the IEP and PWN were provided to the complainant via email.

**CONCLUSION:**

Based on Findings of Facts #10 - #12, the MSDE finds that, while there is documentation that the PWN was provided to the complainant on July 20, 2021 and October 8, 2021, there is no documentation that the PWN was provided to the complainant subsequent to the November 24, 2020 IEP team meeting.

Notwithstanding the violation, based on Findings of Facts #11 and #12, the MSDE finds that the complainant has been provided with PWN at subsequent IEP team meetings, therefore no further corrective action is required.

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 timeframes reported in this Letter of Findings.

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

■  
Dr. Debra Brooks  
November 15, 2021  
Page 5

Education (FAPE) 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 Early Intervention  
and Special Education Services

MEF/dee

c: Sonja Santelises  
Denise Mabry  
Christa McGonigal  
■  
Brian Morrison  
Diane Eisenstadt  
Nancy Birenbaum