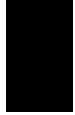




Mohammed Choudhury  
State Superintendent of Schools

May 23, 2022



Ms. Kathrine Pierandozzi  
Executive Director of Special Education  
Baltimore County Public Schools  
105 West Chesapeake Avenue  
Towson, Maryland 21204

RE: [REDACTED]  
Reference: #22-122

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 March 24, 2022, the MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of 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 student's safety vest was properly utilized during transportation since November 2021, in accordance with 34 CFR 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is fourteen (14) years old and attends [REDACTED]. He is identified as a student with Multiple Disabilities under the IDEA and has an IEP that requires the provision of special education instruction and related services, including transportation.

**FINDINGS OF FACTS:**

1. The student’s IEP, in effect on November 2, 2021, requires that the student be provided with transportation and the use of a safety vest during transport.
2. During the November 2, 2021 IEP team meeting, the complainant indicated concerns with the fit of the student’s current safety vest, an EZ-ON size medium.

3. There is documentation that from November 2, 2021 to February 2, 2022, the student's safety vest did not fit him and was potentially unsafe to use during transportation.
4. There is no documentation that the student was significantly harmed during transportation, or was unable to attend school as a result of the fit of his safety vest.
5. On February 2, 2022, the BCPS made available a new size large safety vest manufactured by "BESI". The complainant declined this equipment indicating it was not compatible with their personal vehicle and requested an EZ-On vest for consistency.
6. On February 11, 2022 the parent purchased an EZ-On large safety vest from "Easy Way Safety Services. Inc." The BCPS declined to use the equipment purchased by the complainant.
7. On March 24, 2022, the BCPS provided the student with a new EZ-ON large safety vest that properly fit him.

### **CONCLUSION:**

Based on the Findings of Facts, #1-#4, the MSDE finds that the BCPS has not ensured that the student's safety vest was properly utilized during transportation from November 2, 2021 to February 2, 2022,, in accordance with 34 CFR §§300.101 and .320. Therefore, this office finds that a violation occurred between November 21, 2021 and February 2, 2022. However, based on Findings of Facts #5- #7, the MSDE finds that the BCPS made available an appropriate safety vest starting on February 2, 2022 before purchasing a vest from the same manufacturer as the existing vest on March 24, 2022. Therefore this office does not find that a violation occurred from February 2, 2022 to March 24, 2022.

### **CORRECTIVE ACTIONS/TIMELINES:**

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Diane Eisenstadt, Compliance Specialist, Family

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<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

Ms. Kathrine Pierandozzi

May 23, 2022

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Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [diane.eisenstadt@maryland.gov](mailto:diane.eisenstadt@maryland.gov).

The MSDE requires the BCPS to provide documentation by the start of the 2022-2023 school year that it has convened an IEP team meeting to determine whether the violations indicated in this letter of finding had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

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.

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 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/Special Education Services

MEF:gl

c: Darryl L. Williams  
Conya Bailey  
Jason Miller  
Charlene Harris  
[REDACTED]  
Alison Barnat  
Gerald Loiacono  
Nicol Elliot

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<sup>2</sup> The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.