



Mohammed Choudhury
State Superintendent of Schools

June 8, 2022

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dr. Debra Y. Brooks
Executive Director of Special Education
Baltimore City Public Schools
200 E. North Avenue, Room 204 B
Baltimore, MD 21202

RE: [REDACTED]
Reference: #22-135

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

ALLEGATIONS:

On April 19, 2022, the MSDE received a complaint from Mr. [REDACTED] and [REDACTED], hereafter, “the complainants,” on behalf of their 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 above-referenced student.

The MSDE investigated the following allegations:

1. The BCPS has not provided the student with special education and related services in the placement required by the Individualized Education Program (IEP) since September 29, 2021, in accordance with 34 CFR §§300.114 and .116.
2. The BCPS did not provide the parent with a copy of the IEP document within five (5) business days after the IEP team meetings of September 29, 2021 and March 25, 2022, in accordance with Md. Code, Ann., Educ. §8-405(d) (2010) and COMAR 13A.05.01.07.

██████████
██████████
Dr. Debra Y. Brooks

June 8, 2022

Page 2

3. The BCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the March 25, 2022 IEP team meeting at least five (5) business days before the scheduled meeting, in accordance with Md. Code Ann., Educ., § 8-405 (2010).

BACKGROUND:

The student is fourteen (14) years old and is identified as a student with Autism under the IDEA. He attends ██████████ School and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSION:

The BCPS acknowledges that violations occurred with respect to Allegations #1 - #3. Specifically, the BCPS acknowledges that the student has not been provided the educational placement required by his IEP, that the IEP documents were not provided to the parent five (5) business days before the meeting, and a copy of the IEP was not provided five (5) business days after the IEP team meeting.

MSDE concurs and appreciates the BCPS acknowledgement that violations have occurred with respect to the allegations.

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 non-compliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it

¹ 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.

██████████
██████████
Dr. Debra Y. Brooks

June 8, 2022

Page 3

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 Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at Diane.Eisenstadt@maryland.gov.

Student-Specific

The MSDE requires the BCPS to provide documentation that the school system has taken the following actions:

- a. The student is provided with special education and related services in the placement required by the IEP;
- b. The complainant has been provided with accessible copies of the documents the IEP team discussed at the IEP team meeting on March 25, 2022;
- c. The complainant has been provided with a copy of the IEP document from the September 29, 2021 and March 25, 2022, IEP team meetings; and
- d. The IEP team has determined the amount and nature of compensatory services to redress the lack of the provision of special education and related services in the placement required by the student's IEP, and develop a plan for the provision of those services within one year of the date of this Letter of Findings.

The BCPS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

The MSDE requires the BCPS to provide documentation by October 1, 2022, identifying all students with disabilities under IDEA at ██████████ School for school years 2021-2022 and 2022-2023 who are not being provided with special education and related services in the placement required by their IEP. The BCPS must ensure that each student is provided with special education and related services in the placement required by the student's IEP. The IEP team must convene and determine the amount and nature of compensatory services or other remedy to be provided to the student for the loss of services, and develop a plan for the provision

² 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.

[REDACTED]
[REDACTED]
Dr. Debra Y. Brooks

June 8, 2022

Page 4

of those services within one (1) year of the date of this Letter of Findings. If a student transfers to another school system prior to the completion of the provision of the remedy, the BCPS must coordinate with the public agency responsible for the education of the student in order to ensure that the remedy is provided. The BCPS must report the results of this monitoring and plan to address any noncompliance to the MSDE by November 15, 2022.

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/tg

c: Sonja Santelises
Christa McGonigal
[REDACTED]
Alison Barmat
Gerald Loiacono
Tracy Givens
Diane Eisenstadt