



Mohammed Choudhury  
State Superintendent of Schools

November 14, 2022

Ms. Ronnetta Stanley  
Loud Voices Together  
PO Box 1178  
Temple Hills, Maryland 20748

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

RE: [REDACTED]  
Reference: #23-042

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 September 15, 2022, the MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, “the complainant,” on behalf of 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 allegation that the BCPS has not provided the student with transportation services as required by the Individualized Education Program (IEP) since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is fifteen years old and is identified as a student with Multiple Disabilities (Intellectual Disability and Orthopedic Impairment) under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The BCPS acknowledges that the student was not provided transportation services as required by the IEP since the start of the 2022-2023 school year. Specifically, due to the bus routing process used by the BCPS the student’s transportation did not begin until September 19, 2022.

2. The Prior Written Notice (PWN) generated after the October 6, 2022 IEP team meeting determined the student was absent on September 16, 2022 due to illness and “there were no other absences that could have impacted his academics”. The IEP team further determined “that there was no harm committed academically to the student during this time” additionally, no speech and language or occupational therapy services were missed. The parent was provided the reimbursement forms to complete for transporting the student from the start of the 2022-2023 school year until September 19, 2022.

### **CONCLUSIONS:**

Based upon the Findings of Fact #1, the MSDE finds that the BCPS has not provided the student with transportation services as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. The MSDE appreciates the BCPS’ acknowledgement and concurs that a violation occurred with respect to the allegation.

Notwithstanding the violation, based upon Findings of Fact #2, the MSDE finds that the IEP team has determined that no compensatory services are required. The family was offered reimbursement for transporting the student and he did not miss school with the exception of one day for illness. Therefore, no further student specific corrective action is required for this allegation.

### **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.<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 Diane Eisenstadt, Compliance Specialist, Family 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).

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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.

<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.

**School-Based: Similarly Situated Students**

The MSDE requires the BCPS to provide documentation by January 1, 2023, identifying all students at [REDACTED] School for the school year 2022-2023 who have not received transportation services as required by their IEP. The IEP team must convene to determine whether the lapse in transportation services 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 one 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 February 15, 2023.

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  
Macon Tucker  
Christa McGonigal  
[REDACTED]  
Alison Barmat  
Diane Eisenstadt  
Tracy Givens