

March 13, 2025



Ms. Denise Parker-Shields, Director
Baltimore City Infants and Toddlers Program
3002 Druid Park Drive #1
Baltimore, Maryland 21215

RE: [REDACTED]
Reference: #25-228

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 on the final results of the investigation.

ALLEGATIONS:

On January 21, 2025, MSDE received a complaint from [REDACTED], hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Baltimore City Infant and Toddlers Program (BCITP) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The BCITP did not ensure that the Individualized Family Service Plan (IFSP) team convened to review the student’s IFSP since January 2024, in order to ensure that the IFSP was reviewed every six months and at least annually, in accordance with 34 CFR § 303.342 and COMAR 13a.13.01.07.
2. The BCITP has not ensured that the student has been assigned a service coordinator as required by the IFSP, since January 2024, in accordance with 34 CFR § 303.344.
3. The BCITP did not follow proper procedures to ensure the transition conference, and the development of a transition plan occurred ninety days before the student’s third birthday, in accordance with 34 CFR § 303.209 and COMAR 13a.13.01.09.

BACKGROUND:

The student is two years old and is identified as a student with a developmental delay under the IDEA. She receives at home services through an IFSP that requires the provision of related services and special instruction.

FINDINGS OF FACT:

1. The IFSP, in effect since January 2024, was developed on April 14, 2023. The IFSP reflects that the student was assigned a service coordinator.
2. The IFSP team convened on February 3, 2025, with the purpose of reviewing the IFSP, requesting educational assessments for transition, ending physical therapy (PT) services, and scheduling the transition meeting.
3. The IFSP developed on February 3, 2025, reflects that the student was assigned a service coordinator.
4. The student's third birthday is March 27, 2025.

CONCLUSIONS:

ALLEGATION #1

REVIEW OF IFSP EVERY SIX MONTHS AND AT LEAST ANNUALLY

Based on Findings of Fact #1 and #2, MSDE finds that the BCITP did not ensure that the IFSP team Convened to review the student's IFSP since January 2024, in order to ensure that the IFSP was reviewed every six months and at least annually, in accordance with 34 CFR § 303.342 and COMAR 13a.13.01.07. Therefore, MSDE finds a violation.

ALLEGATION #2

ASSIGNED SERVICE COORINDATOR

Based on Findings of Fact #1 and #3, MSDE finds that the BCITP has ensured that the student has been assigned a service coordinator as required by the IFSP, since January 2024, in accordance with 34 CFR § 303.344. Therefore, MSDE finds no violation.

ALLEGATION #3

TRANSITION CONFERENCE

Based on Findings of Fact #2, and #4, MSDE finds that the BCITP did not follow proper procedures to ensure the transition conference, and the development of a transition plan occurred ninety days before March 27, 2025, in accordance with 34 CFR § 303.209 and COMAR 13a.13.01.09. Therefore, MSDE finds a violation.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.¹ 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

MSDE requires the BCITP IFSP team to provide documentation by June 2, 2025, that it has convened and determined the amount and nature of compensatory services or other remedies to redress the violations related to the lack of a timely transition meeting and an annual review of the IFSP. In addition, MSDE requires the BCITP to develop a plan for the provision of those services within a year of the date of this Letter of Findings.

The BCITP must ensure that the parent is provided with prior 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.

Similarly Situated Students

MSDE requires that the BCITP review 25 randomly selected student records by June 2, 2025, to determine whether there is a pattern of delays in convening transition meetings and conducting review meetings pursuant to State and federal requirements. The monitoring report must be provided to MSDE on or before June 10, 2025. Full compliance is required. If the results of the monitoring do not reflect full compliance, 25 additional records must be reviewed by October 1, 2025, with the results reported to MSDE by October 15, 2025. If full compliance is not reported, an additional 25 randomly selected records will be monitored for one more cycle ending in December 2025. If full compliance is not achieved, MSDE and BCITP will determine the next steps in terms of monitoring and accountability.

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 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 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.

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

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 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 why the documentation was not made available during the investigation. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email Tracy.Givens@maryland.gov. 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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/sd

c: Daphne C. Hicks, Director of Administration, Baltimore City Health Department,
Bureau of Maternal and Child Health
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Marny Helfrich, Section Chief, Early Childhood Performance, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE