



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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May 16, 2014

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Ms. Debra Y. Brooks
Executive Director of Special Education
Baltimore County Public Schools
The Jefferson Building
105 West Chesapeake Avenue
6901 Charles Street
Towson, Maryland 21204

RE: XXXXX
Reference: #14-075

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence reports the final results of the investigation.

ALLEGATIONS:

On March 19, 2014¹, the MSDE received a complaint from Ms. XXXXXXXXXXXXXXXX, 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 allegations listed below.

1. The BCPS did not ensure that the student was provided with the special education instruction and related services in the placement required by the Individualized Education Program (IEP) from the start of the 2013-2014 school year until November 5, 2013, in accordance with 34 CFR §§300.101, .116 and .323.

¹ On March 17, 2014, the complainant provided the MSDE with correspondence containing allegations of violations of the IDEA, which did not contain all of the necessary information to initiate a State complaint investigation. On March 19, 2014, the complainant provided the required information and a complaint investigation was initiated (34 CFR §300.153).

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2. The BCPS did not ensure that the reevaluation conducted during the 2013-2014 school year was completed within the required timelines, in accordance with 34 CFR §§ 300.303 and .305 and COMAR 13A.05.01.06E.
3. The BCPS has not ensured that the IEP addresses the student's social, sensory, and behavioral needs or her need for instruction in a smaller classroom since November 2013, in accordance with 34 CFR §§ 300.101 and .324.
4. The BCPS did not ensure that documents considered by the IEP team were provided to the complainant at least five (5) business days prior to the March 19, 2014 IEP team meeting, in accordance with Md. Code, Ann., Educ. §8-405(d) (2010) and COMAR 13A.05.01.07D(3).

INVESTIGATIVE PROCEDURES:

1. Ms. Koliwe Moyo, Education Program Specialist, MSDE, was assigned to investigate the complaint.
2. On March 18, 2014, Ms. Anita Mandis, Section Chief, Family Support and Dispute Resolution Branch, MSDE conducted a telephone interview with the complainant to clarify the allegations to be investigated and discussed the need for the complainant to provide additional information, including a proposed remedy in order for a State complaint investigation to be initiated. On March 19, 2014, the MSDE received a proposed remedy from the complainant.
3. On March 19, 2014, the MSDE sent a copy of the complaint, via facsimile, to Ms. Debra Y. Brooks, Director of Special Education, BCPS; Mr. Stephen Cowles, Associate General Counsel, Special Education Compliance, BCPS; and Ms. Denise Mabry, Coordinator of Compliance and Related Services, BCPS.
4. On April 8, 2014, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation. On the same date, the MSDE notified the BCPS of the allegations and requested that the BCPS review the alleged violations.
5. On April 8, 2014, Ms. Moyo requested, via electronic mail (email), that the BCPS staff provide the MSDE with documents from the student's educational record.
6. On April 10 and 22, 2014, the BCPS provided the MSDE with documentation related to the allegations being investigated, via email.

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7. On April 29, 2014, Ms. Moyo and Ms. Tyra Williams, Education Program Specialist, MSDE, conducted a site visit at XXXXXXXXXXXXXXXXXXXX (XXXXXXX) to review the student's educational record, and interviewed the following school staff:

- a. Mrs. XXXXXXXXX, Assistant Principal;
- b. Mrs. XXXXXXXXX, Special Education Teacher; and
- c. Mr. XXXXXXXXX, Behavior Interventionist.

Ms. Maureen Hartlieb, Compliance Resource Teacher, BCPS, attended the site visit as a representative of the BCPS and to provide information on the BCPS policies and procedures, as needed.

8. On May 8, 9, and 12, 2014, the BCPS provided the MSDE with documentation from the student's educational record related to the allegations being investigated.

9. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:

- a. Correspondence and attachments from the complainant to the MSDE, received on March 17 and 19, 2014;
- b. IEP team meeting notices dated September 12, 2013, October 23, 2013;
- c. IEP and IEP team meeting summaries, dated May 10, 2013; September 18, 2013 and November 5, 2013;
- d. Compression vest usage log maintained from September 12, 2013 to September 18, 2013;
- e. *Notice of Documents*, dated October 25, 2013;
- f. IEP team meeting notice, dated November 11, 2013;
- g. *Notice of Documents*, dated December 3, 2013;
- h. IEP team meeting summary, dated December 19, 2013;
- i. Consent for assessment, dated December 19, 2013;
- j. Functional Behavior Assessment and Behavior Intervention Plan, dated January 6, 2014;
- k. Correspondence from the BCPS to parents, dated February 6, 2014;
- l. IEP team meeting notice, dated February 27, 2014;
- m. *Notice of Documents*, dated March 10, 2014;
- n. IEP team meeting summary, dated March 19, 2014;
- o. Occupational Therapy report, dated March 30, 2014;
- p. IEP and IEP team meeting summary, dated April 9, 2014;
- q. Attendance and report card for the 2013-2014 school year;
- r. Class schedules and list of adult assistants for the 2013-2014 school year;
- s. Behavior Learning Center behavior intervention log and data sheets maintained during the 2013-2014 school year;
- t. Excerpts from the daily behavior charts/point sheets from the 2013-2014 school year;
- u. Sample social stories utilized during the 2013-2014 school year;
- v. Occupational Therapy service logs from August 26, 2013 to May 9, 2014;

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- w. Reports of progress, dated October 25, 2013, January 31, 2014 and April 7, 2014;
- x. Speech/Language therapy service logs from August 29, 2013 to April 30, 2014; and
- y. Emails between school staff/BCPS staff, and the complainant transmitted during the 2013-2014 school year.

BACKGROUND:

The student is six (6) years old and she attends XXXXXXXXXXXXXXXXXXXX (XXXXXXXX). She is identified as a student with a Developmental Delay under the IDEA and has an IEP which requires the provision of special education and related services. During the period of time being addressed by this investigation, the complainant was provided with written notice of the procedural safeguards (Docs. a – c, e – i, l, m, n, p – r and w).

ALLEGATION #1:

PROVISION OF SERVICES IN THE EDUCATIONAL PLACEMENT REQUIRED BY THE IEP

Findings of Facts:

May 10, 2013 IEP

1. On May 10, 2013, an IEP team convened at XXXXXXXXXXXXXXXXXXXX (XXXXXX), where the student attended a kindergarten program. At the meeting, the team decided that the student requires special education instruction in reading, phonics, written language, and math. The team documented that at the start of the 2013-2014 school year, when the student started first grade, the special education instruction would be provided in an Adapted Learning Support (ALS) program where intensive services would be provided in a class with a small student to teacher ratio. The team documented that the IEP could not be implemented at XXXXXX, the school the student would attend if not disabled, and that the closest location in which it could be implemented was XXXXXX XXXXXXXX (Doc. c and www.bcps.org).
2. The IEP developed on May 10, 2013 also required that the student be provided with speech/language therapy in a separate special education classroom twice a week and with occupational therapy in either the general education classroom or a separate special education classroom twice a month (Doc. c).

September 18, 2013 IEP

3. On September 18, 2013, the IEP team at XXXXXXXXXXXXXXXXXXXX convened to address the complainant's concern that the student was not being provided with special education instruction and related services in the manner required by the IEP. There is documentation that at that meeting, the team considered information from the speech/language and occupational therapy providers indicating that related services were being provided in accordance with the IEP (Docs. c, v, and x).

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4. At the meeting, the student's teachers reported that she was making sufficient progress, but the team acknowledged that the student was not being provided with special education instruction through an ALS program. The team documented its decision that the student continued to require that special education instruction be provided through an ALS program, and that the closest location in which the IEP could be implemented continued to be XXXXXXXXXXXXXXXXXXXX (Doc. c).
5. There is no documentation indicating that the special education instruction was provided through an ALS program as required by the IEP following the September 18, 2013 IEP team meeting (Review of the educational record).

April 9, 2014 IEP

6. On April 9, 2014, the IEP team convened to review the program and the student's progress. The documentation of the meeting reflects that the complainant reported that she does not wish for the student to be transitioned back to XXXXXX². The IEP, revised at that meeting, no longer reflects that the student is to be provided with special education instruction through the ALS program. However, the IEP reflects that the student will continue to be placed at XXXXXXXXXXX because she is receiving service through a program that is not available in the school she would attend if not disabled (Doc. p).

Discussion/Conclusions:

The public agency is required to ensure that each student is provided with the special education and related services in the placement required by the IEP (34 CFR §§300.101 and .323). Based on the Findings of Facts #2 and #3, the MSDE finds that the student has been provided with the related services in the educational placement required by the IEP. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

However, based on the Findings of Facts #1 - #6, the MSDE finds that the student has not been provided with the special education instruction through an ALS program, as required by the IEP and a violation occurred.

ADDITIONAL VIOLATION: IEP NOT WRITTEN CLEARLY

In order to ensure that the student receives the services required, the IEP must be written in a manner that is clear to all who are involved in its development and implementation (*Analysis of Comments and Changes, Federal Register*, Vol. 64, No. 48, p.12479, March 1999).³

² In February 2014, the BCPS notified parents of student in elementary school that beginning in August 2014, students who have been receiving services through the ALS program will be able to be served in the schools they would attend if not disabled and thus would be transitioned back (Doc. k).

³ In the 2004 reauthorization of the IDEA, no changes were made to this requirement.

Based on the Findings of Facts #3 - #6, the MSDE finds that the IEP is not written clearly with respect to whether the student continues to require the supports that are currently available through the ALS program. Therefore, the MSDE finds that a violation has occurred.

ALLEGATION #2: **CONDUCTING THE REEVALUATION IN A TIMELY MANNER**

Findings of Facts:

7. On December 19, 2013, the IEP team recommended that a Functional Behavioral Assessment (FBA) be conducted to address the complainant’s concern about interfering behaviors being demonstrated by the student in the classroom and the teacher’s report that she was unable to identify the cause of or a pattern to the behavior (Docs. h and i).

8. The IEP team was scheduled to reconvene to consider the results of the FBA on March 17, 2014, but was unable to do so due to inclement weather. As a result, the meeting was held on March 19, 2014, which was ninety-one (91) days after the December 19, 2013 determination that the additional data was needed (Doc. l).

Discussion/Conclusions:

The purpose of a reevaluation is to determine whether a student continues to meet the criteria for identification as a student with a disability and to identify the needs that arise out of the disability (34 CFR §§300.303 - .306). If the IEP team determines the need for additional data in order to determine present levels of performance, the public agency must ensure that the results of assessment procedures are used by the IEP team when it reviews, and as appropriate, revises the IEP; this must be completed within ninety (90) days of the recommendation to obtain the data (34 CFR §§300.101 and .320 and COMAR 13A.05.01.06).

Based on the Findings of Facts #8 and #9, the MSDE finds that the BCPS did not ensure that the reevaluation was completed within the required timelines. Therefore, the MSDE finds that a violation occurred with respect to this allegation.

Notwithstanding the violation, the MSDE finds that the violation resulted in a one (1) day delay in the completion of the reevaluation which did not result in the loss of services to the student. Therefore, no student-specific corrective action is required with regard to this allegation.

ALLEGATION #3: **ADDRESSING THE STUDENT’S IDENTIFIED NEEDS**

9. At the September 18, 2013 IEP team meeting at XXXXXXXXXXXX, the complainant expressed concern that the student has trouble socializing and does not know how to interact with her peers. The complainant also reported that she believes that the student is displaying “selective mutism” and anxiety because of being in the large general education classroom. The school staff reported that the student is “very verbal” in class and they have not seen evidence of anxiety. However, the team agreed that the student does need assistance with developing social skills (Doc. c).

10. The team also discussed the student's sensory needs which include sensitivity to loud noises and bright lights especially when around large groups of people. The IEP required that the student be provided with "manipulatives and or sensory activities to promote listening and focusing skills." The IEP indicates that the student will be provided with "a variety of sensory activities or items throughout the school day," such as access to a "fidget" box and opportunities for movement. The occupational therapist (OT) reported that she is teaching the student to recognize times when she requires additional supports and indicated that she has let the student know which supports are available to her. The complainant indicated that the student had used a weighted vest during the previous school year to assist with calming her. The OT indicated that the weighted vest that was provided by the complainant has not been beneficial to the student and actually seems to cause her anxiety. The OT also suggested that tight clothing might be an alternative for the student (Docs. c and y).
11. The September 18, 2013 IEP included annual IEP goals to assist the student with improving her social communication skills, increase positive "pro-social" interactions with peers, and increase her on-task behavior. The IEP required that the student receive special education instruction in the general education classroom in all subjects except reading and written language instruction. The team determined that reading and written language would be provided in a separate special education classroom so that the student would be in a "small group environment to provide genuine opportunities for peer interaction." The IEP also included accommodations and supports, including breaks to assist the student with maintaining her focus and attention and to give her time for redirection. The IEP further states that the breaks are to be no more than five (5) minutes and that if the student misses too much class time, it should be made up during recess. The IEP indicates that the student should be provided with opportunities to participate in a small group to "decrease her anxiety level and demonstrate what she has learned" because participating in large groups can cause her anxiety (Doc. c).
12. The IEP includes supports, such as encouraging peer interactions, providing manipulatives and sensory activities to assist the student with listening and focusing during class, using a picture schedule to assist with making choices and coping skills, providing preferential seating to assist with redirection, and providing access to additional adult support during times that the student may experience increased anxiety and needs modeling of social skills, such as during lunch and nonacademic classes (Doc. c).

November 5, 2013 IEP team meeting

13. On November 5, 2013, the IEP team met to address the complainant's concerns about the student and to discuss the progress she made since the September 18, 2013 IEP team meeting. At the November 5, 2013 IEP team meeting, the teacher reported that the student "has her morning routine down and each day she follows the morning procedures." However, she reported that the student has difficulty with lunch due to the number of people in the lunchroom and the loud noise. The occupational therapist

indicated that the student would benefit from a quiet area where she can eat her lunch with one (1) or two (2) friends and prepare for the afternoon activities (Doc. c).

14. The teacher also reported that in October 2013 the student began saying inappropriate things during class and making “hissing and growling” noises, but that this behavior had declined. The teacher reported that the student has been provided with “fidgets” in class to assist with her sensory needs, and while some, such as a cloth necklace, are helpful, others have often been distracting for the student. The school staff also reported that the behavior chart was effective in decreasing the student’s interfering behavior (Doc. c).
15. At the meeting, the IEP team reviewed reports of the student’s progress toward achieving the annual IEP goals, dated October 25, 2013, indicating that the student was making sufficient progress towards achieving all of the annual IEP goals, and that she had achieved one of the behavior goals to increase her on-task behavior (Docs. c and w).
16. The team also reviewed the student’s progress with peer relationships and “pro social” skills and noted that with prompting the student participated by using nonverbal cues with a peer and that with prompting and reminders the student was able to participate verbally with peers and in small groups. The team also noted that the student has achieved her class participation goal by raising her hand 100% of the time during large class discussions and activities. She has also increased her on-task behaviors while in class (Docs. c and q).
17. The team agreed that the student would be allowed to eat lunch with a friend in the behavior learning center or focus room where there are fewer noises and distractions which helps her remain calm and have a productive afternoon. The behavior learning center is a designated therapeutic environment that provides a quiet area with fewer distractions where a student can go by choice or staff referral for a time-out, de-escalation, or sensory break. The room consists of an open space with study carrels and desks for students to complete their work and an area where student can use devices for sensory stimulation. There is a school staff member assigned to the room who provides behavioral support to the students, as needed. The staff member also maintains a log which provides information including, the date and time the student is in the room, the amount of time spent in the room, the reason that the student is in the room, the outcome, and comments about the incident. (Doc. c and on-site tour).
18. At the meeting, the team revised the IEP to require that the student be provided with advanced warning to prepare for loud events, such as fire drills and that she would be given a set of “noise-cancelling” head phones to wear to filter out the loud noises (Doc. c).

December 19, 2013 IEP Team Meeting

19. On December 19, 2013, the IEP team convened at the complainant’s request to address her concerns about the student’s behavior which included “calling out” or using inappropriate language during class. At the meeting, the complainant expressed concern

that the student's behavior was not being addressed. The team considered information from the student's teacher that she has been unable to determine a pattern to the student's behavior, but that the amount of time that the student needed in the focus room to deescalate for disrupting the class by "calling out" inappropriate language had declined (Docs. h and s).

20. The team determined that a Functional Behavioral Assessment (FBA) would be conducted in order to obtain additional data and determine the causes or patterns to the student's behavior to ensure that effective interventions are utilized. On the same date, the complainant provided consent (Docs. j, i, and interview with school staff).

March 19, 2014 IEP Team Meeting

21. The IEP team met on March 19, 2014 and reviewed the results of the FBA. The FBA identified "calling out" during class as the behavior of concern and identified "environmental stimuli" as a contributing factor for the behavior. The assessment results also indicated that working independently seemed to trigger the behavior, however the results indicate that the purpose of the behavior is unknown. The team also reviewed the behavior charts that had been maintained throughout the school year and noted that the student has had trouble remaining quiet during class. The school staff reported that the student is continuing to have lunch in the focus room with a friend and she seems to enjoy that activity. The student has also been able to indicate when she needs breaks and will tell the instructional assistant so that she can take a break, as necessary (Docs. j, n, q, s, and t).
22. The second quarter progress notes, completed in February 2014, and included in the student's report card, indicate that during the second quarter the student exhibited inconsistent behavior that impacted her daily academic performance. The progress notes reflect that the school staff have utilized the daily behavior charts, breaks and sensory activities to assist the student with increasing focus, avoiding distraction and overstimulation, and decreasing the use of inappropriate language (Doc. q).
23. At the March 19, 2014 IEP team meeting, the team approved a Behavior Intervention Plan (BIP) which includes strategies to assist the student with "calling out" in class and using inappropriate language. The BIP requires that the student be provided with different types of rewards, such as "play doh" and craft time. The BIP includes the use of a break card for the student to indicate when she needs a break as well as the provision of social stories regarding the use of appropriate language. The team agreed that the effectiveness of the BIP would be measured by anecdotal records and point sheets/behavior charts (Docs. j and n).

April 9, 2014 IEP Team Meeting

24. On April 9, 2014, the IEP team convened to review the IEP and the student's progress. The teachers reported that the student displayed strengths such as good self-advocacy skills and following the classroom routines independently. The teachers also reported

that the student volunteers to go to the board in front of the class and answers questions aloud during class, but continues to require support to maintain her attention and complete work (Docs. p, q and w.).

25. The IEP team revised the objectives for the annual IEP goal in the area of social communications. The team added a behavior goal to assist the student with decreasing impulsive behaviors, maintaining focus, and improve self-management. The team also increased the amount of special education instruction to be provided in phonics and reading (Doc. p).
26. At the meeting, the team considered information from the complainant that she believes the student should be removed from the general education classroom and placed in either a smaller classroom or a nonpublic school because of her concerns that the student is interrupting the learning of other students and herself. In response to this concern, the team decided that the student will be provided with special education instruction in a combination of both the general and special education classrooms. Specifically, the IEP requires that the student be provided with special education instruction in “small group reading” and speech/language therapy, in a special education classroom. The IEP also requires that the student be provided with special education instruction in “whole group reading” and phonics in the general education classroom (Doc. p).

Discussion/Conclusions:

In this case, the complainant alleges that the student has demonstrated social, behavioral, and sensory needs, as well as a need for instruction in a small classroom setting, and that these needs have not been addressed. The public agency must ensure that an IEP is developed that includes a statement of the student’s present level of academic achievement and functional performance, including how the disability affects the student’s progress in the general curriculum, which is based on the evaluation data. The IEP must also include measurable annual goals designed to meet the needs that arise out of the student’s disability, and the special education instruction and related services required to assist the student in achieving the goals (34 CFR §§300.101 and .320).

In developing each student’s IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parent for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a student whose behavior impedes the student’s learning or that of others, the team must consider the use of positive behavioral interventions and supports and other strategies, to address that behavior (34 CFR §300.324).

Based on the Findings of Facts #10 - #27, the MSDE finds that the IEP team met throughout the school year and considered information from the complainant, reports from the student’s teachers and related service providers, and assessment data, and made revisions to the IEP consistent with the data regarding the student’s social, behavioral, and sensory needs as well as her need for instruction in a small setting. Therefore, the MSDE does not find that a violation occurred with respect to this allegation.

ALLEGATION #4: **PROVISION OF DOCUMENTS FIVE (5) BUSINESS DAYS
PRIOR TO THE MARCH 19, 2014 IEP TEAM MEETING**

Findings of Facts:

27. On March 19, 2014, the IEP team considered the results of a FBA and developed a BIP (Doc. n).
28. There is documentation that the complainant received a copy of the FBA and a proposed BIP, on March 11, 2014 (Docs. a and n).
29. There is documentation that a report developed by the student's teacher, which was also reviewed at the March 19, 2014 meeting, was sent to the complainant on March 10, 2014. The complainant reports that she received the report on March 12, 2103, which was four (4) business days⁴ prior to the March 19, 2014 IEP team meeting (Docs. a, m, and n).

Discussion/Conclusions:

In order to ensure that parents are provided with the opportunity to prepare for the discussions that take place during an IEP team meeting, the public agency must ensure that they are provided with a copy of each assessment, report, data chart, and draft IEP (to the extent one has been developed) which is to be discussed at a scheduled IEP team meeting. These documents must be provided to the parents at least five (5) business days prior to the meeting without the presence of an extenuating circumstance does not constitute a substantive violation of the requirement to provide a student with a FAPE (Md. Code Ann., Educ., §8-405 (2010), COMAR 13A.05.01.07D(3), and the MSDE's *Technical Assistance Bulletin #20*, dated September 2012).

Based on the Findings of Facts #28 - #30, the MSDE finds that the complainant was not provided with all of the documents to be reviewed at the March 19, 2014 meeting within five (5) business days of the meeting. Therefore, the MSDE finds that a violation occurred with respect to this allegation. Notwithstanding the violation, this office finds because it did not result in a denial of a Free Appropriate Public Education (FAPE), no student-specific corrective action is required.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific:

- a. The MSDE requires the BCPS to provide documentation by July 1, 2014 that the IEP team has convened and taken the following actions:

⁴ When calculating whether documents were provided within five (5) business days, the first of the five days begins the day after the parents receive the documents (the MSDE's *Technical Assistance Bulletin #20*, dated September 2012).

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- b. Determine whether the student continues to require the supports that are currently available through the ALS program; and

Determine whether the IEP can be implemented in the school the student would attend if not disabled at the start of the 2014-2015 school year.

- a. In addition, the BCPS must provide documentation by July 1, 2014 that the IEP team has made the following determinations:
 - b. The student's current levels of academic and functional performance;
The levels of academic and functional performance that the student was expected to achieve by this time with the provision of services required by the IEP;
 - c. The services needed to compensate the student for the violations identified in this investigation if any discrepancy is identified between the current levels of performance and the levels of expected performance. If compensation is required, then a plan must be provided for the provision of those services within a year of the date of this Letter of Findings.

The BCPS must ensure that the complainant is provided with proper written notice of the IEP team's decisions, including the basis for those decisions, and a description of the data and the options considered.

School-Based/Systemic:

The MSDE requires that BCPS to provide documentation by August 1, 2014 of the steps taken to determine whether the violations identified in this investigation are specific to the student or whether they constitute pattern of noncompliance at XXXXXXXX.

If the school system determines that the regulatory requirements are not being implemented, the school system must identify the actions that will be taken to ensure that the violations do not recur. The school system must submit a follow-up report to document correction within ninety (90) days of the date of its determination.

Upon receipt of this report, the MSDE will verify the data to ensure continued compliance with the regulatory requirements, consistent with the requirements of the OSEP. Additionally, the findings in the Letter of Findings will be shared with the MSDE's Policy and Accountability Branch, Accountability and Monitoring Section, for its consideration during present or future monitoring of the BCPS.

Documentation of all corrective actions taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

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TECHNICAL ASSISTANCE:

Technical assistance is available to the parties through Mrs. Martha J. Arthur, Education Program Specialist, MSDE. Mrs. Arthur may be contacted at (410) 767-0255.

Please be advised that the BCPS and the complainant have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the findings of fact or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings. If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary.

Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions consistent with the timeline requirements as reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The complainant and the school system 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 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 Special Education/
Early Intervention Services

MEF/km

cc: S. Dallas Dance
Denise Mabry
Stephen Cowles
XXXXXX
Maureen Hartlieb
Dori Wilson
Anita Mandis
Koliwe Moyo
Martha J. Arthur