



June 11, 2014

Wayne Steedman, Esquire
Callegary & Steedman
201 N. Charles Street, Suite 1402
Baltimore, Maryland 21201

Mr. Charles Baugh
Director of Early Intervention Services
Baltimore City Infants and Toddlers Program
3002 Druid Park Drive
Baltimore, Maryland 21215

RE: XXXXX
Reference: #14-083

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

ALLEGATION:

On April 16, 2014, the MSDE received a complaint from Wayne Steedman, Esquire, hereafter “the complainant,” on behalf of the above-referenced child and her parents, Mr. XXXXXXXXXX and Mrs. XXXXXXXXXX. In that correspondence, the complainant alleged that the Baltimore City Infants & Toddlers Program (BCITP) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the child.

The MSDE investigated the allegation that the BCITP did not follow proper procedures to ensure that Extended Individualized Family Service Plan (IFSP) services continued until the child was scheduled to begin receiving services through an Individualized Education Program (IEP) or the beginning of the school year in which the child turned four (4) years old, in accordance with 34 CFR §§303.209, .211, and .344(h), and COMAR 13A.13.01.09.

INVESTIGATIVE PROCEDURES:

1. Ms. Christine Hartman, Education Program Specialist, MSDE, was assigned to investigate the complaint.

Wayne Steedman, Esquire
Mr. Charles Baugh
June 11, 2014
Page 2

2. On April 16, 2014, the MSDE sent a copy of the complaint, via facsimile, to Mr. Charles Baugh, Director of Early Intervention Services, Baltimore City Infants and Toddlers Program (BCITP).
3. On April 22, 2014, Ms. Hartman conducted a telephone interview with the complainant to clarify the allegation to be investigated.
4. On April 22, 2014 and June 3, 2014, the MSDE received documentation from the complainant regarding the allegation contained in the complaint, via electronic mail (email).
5. On April 28, 2014, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, the MSDE notified the BCITP of the allegation and requested that the BCITP review the alleged violation.
6. On April 25, 2014 and May 22, 2014, Ms. Hartman conducted telephone interviews with a member of the complainant's staff regarding the allegation being investigated.
7. On April 28, 2014, Ms. Hartman conducted a telephone interview with Mr. Baugh regarding the allegation contained in the complaint.
8. On April 28 and 30, 2014, and May 2, 5, 8, and 22, 2014, and June 3, 2014, the BCITP provided the MSDE with information and documentation regarding the allegation contained in the complaint, via email.
9. On April 30, 2014 and May 1 and 23, 2014, the MSDE received information and documentation from the Baltimore City Public Schools regarding the allegation contained in the complaint, via email.
10. On June 3, 2014, Ms. Hartman reviewed the child's early intervention record at the BCITP office of the Baltimore City Health Department. Mr. Baugh and Ms. Tody C. Hairston-Fuller, Coordinator of Evaluation and Assessment, BCITP, were present at the record review.
11. 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 April 16, 2014;
 - b. IFSPs dated July 3, 2012, December 13, 2012, January 15, 2013, March 8, 2013, May 3, 2013, and September 9, 2013;
 - c. Notice from the child's mother to the BCITP of her decision to discontinue services under the Extended IFSP and pursue services under an IEP, dated June 25, 2013;
 - d. Proposed BCPS IEP and Prior Written Notice document, dated August 14, 2013;
 - e. IFSP Review Add/Change form documenting the IFSP's inactive status, dated September 30, 2013;
 - f. Service Coordinator log, dated September 30, 2013; and
 - g. Email correspondence from the BCPS to the MSDE, dated April 30, 2014.

BACKGROUND:

The child is four (4) years old and is identified as a child with a Developmental Delay under the IDEA. The child received services pursuant to an Extended IFSP until September 30, 2013, when services were discontinued following the development of an IEP.

During the period of time addressed by this investigation, the child's parents participated in the education decision-making process and were provided with written notice of the procedural safeguards (Docs. a-g, interviews with the BCITP staff and the complainant, and review of the child's early intervention record).

FINDINGS OF FACTS:

1. The child received early intervention services under an IFSP until she was three (3) years old, and under an Extended IFSP after she turned three (3) (Doc. b).
2. On June 25, 2013, the parents requested the discontinuation of the Extended IFSP and the development of an IEP (Doc. c).
3. On August 14, 2013, the Baltimore City Public Schools (BCPS) convened an IEP team which developed a proposed IEP that indicates that IEP services were scheduled to begin on the same date (Doc. d).
4. The documentation reflects that, on September 30, 2013, when the child was three (3) years old, Extended IFSP services were discontinued (Docs. e and f).
5. To date, the child's parents have not consented to the provision of special education services (Doc. g).

DISCUSSION/CONCLUSIONS:

Early intervention services are provided to children with disabilities, from birth through the age of two (2) years old, through the Infants and Toddlers Program under Part C of the IDEA. Special education services are provided to children with disabilities who are aged three (3) through the end of the school year in which they turn twenty-one (21) years old under Part B of the IDEA and related State requirements (34 CFR §300.101, 34 CFR §303.21, COMAR 13A.05.01.01 and .02, and COMAR 13A.13.01.).

In Maryland, if a child who has been receiving early intervention services through an IFSP is found eligible for special education services under Part B of the IDEA, and the parents wish for their child to receive services, the parents can opt for the child to continue to receive early intervention services through an Extended IFSP that includes an educational component. Alternatively, the parents can opt for the child to receive preschool special education services through an IEP (COMAR 13A.13.01.01, .02, and .09).

Wayne Steedman, Esquire
Mr. Charles Baugh
June 11, 2014
Page 5

A parent who chooses for their child to receive services through an Extended IFSP can, at any time, choose to discontinue services under the Extended IFSP option and request services through an IEP. Once a child's parent makes the choice to terminate early intervention services through an Extended IFSP and pursue services through an IEP, the parent cannot continue services through an Extended IFSP beyond the date that IEP services are to begin, or the beginning of the school year following the child's fourth (4th) birthday, whichever occurs first (COMAR 13A.13.01.01, .02, and .09).

Based on the Findings of Facts #1 - #5, the MSDE finds that the BCITP ensured that Extended IFSP services were provided until the earlier of the date that the IEP services were to begin or the beginning of the school year following the child's fourth (4th) birthday. Therefore, the MSDE does not find that a violation occurred.

Please be advised that both the complainant and the BCITP have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts 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.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The child's parents and the BCITP 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 child, 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/ch

c: XXXX +XXXX
XXXX XXXX
Dori Wilson
Anita Mandis
Paul Dunford

Donna Riley
Brian Morrison
Nancy Vorobey
Christine Hartman