



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

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July 10, 2015

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Dr. Gregory Thornton
Chief Executive Officer
Baltimore City Public Schools
200 East North Avenue
Baltimore, Maryland 21202

RE: XXXXX
Reference: 15-072

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 is the report of the final results of the investigation.

ALLEGATIONS:

On May 11, 2015, the MSDE received a complaint from Ms. XXXXXXXXXXXX, hereafter, “the complainant,” on behalf of her son, the above-referenced student. In that correspondence, the complainant alleged that the Baltimore City Public Schools (City Schools) 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 did not ensure that the Individualized Education Program (IEP) team meeting convened on March 11, 2015 included a general education teacher and special education teacher of the student, in accordance with 34 CFR §300.321.
2. The BCPS did not ensure that the IEP team considered the complainant’s concerns raised at the IEP team meeting held on March 11, 2015, in accordance with 34 CFR §300.324.
3. The BCPS did not follow proper procedures when responding to a request to amend the student’s educational record following the March 11, 2015 IEP team meeting, in accordance with 34 CFR §§300.618 - .621.

XXX

Dr. Gregory Thornton

July 10, 2015

Page 2

4. The BCPS has not ensured that the student's IEP has been implemented during the 2014 - 2015 school year, in accordance with 34 CFR §§300.101 and .323. The complainant specifically alleged the following violations regarding implementation of the student's IEP:
 - a. The BCPS has not ensured that the student has been provided with the support of a "1-to-1 aide," as required by the IEP, on a consistent basis; and
 - b. The BCPS has not ensured that the student has been allowed to participate in non-academic and extracurricular activities such as field trips and play groups, in accordance with the IEP.
5. The BCPS has not ensured that the student has been provided with special education instruction required by a highly qualified special education teacher during the 2014 - 2015 school year, in accordance with 34 CFR §§300.18 and .156.
6. The BCPS did not ensure that the IEP team reviewed and revised, as appropriate, the student's IEP to address lack of expected progress toward achieving the annual goals, during the 2014 - 2015 school year, in accordance with 34 CFR §300.324.

INVESTIGATIVE PROCEDURES:

1. Ms. K. Sabrina Austin, Education Program Specialist, MSDE, was assigned to investigate the complaint.
2. On May 15, 2015, the MSDE sent a copy of the complaint, via facsimile, to Dr. Kim Hoffmann, Executive Director of Special Education, BCPS; and Mr. Darnell Henderson, Associate Counsel, BCPS.
3. On May 15, 2015, Ms. Austin spoke with the complainant by telephone to clarify the allegations to be investigated.
4. On May 19, 2015, 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 office review the alleged violations.
5. On June 1 - 4, 15 and 25, 2015, the MSDE requested documentation from the BCPS.
6. On June 3, 2015, Ms. Austin conducted a review of the student's educational record at the central offices of the BCPS.

XXX

Dr. Gregory Thornton

July 10, 2015

Page 3

7. On June 3, 5, 8, 10, 12 and 15, 2015, the BCPS provided the MSDE with documentation for consideration in the investigation.
8. On June 10 - 12, and 15, 2015, Ms. Austin spoke with the complainant by telephone about the allegations.
9. On June 15, 2015, Ms. Austin and Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, conducted a site visit at XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX (XXXXXXXXXX) and interviewed the following school system staff:
 - a. Ms. Ruth LaFontaine, Education Specialist, BCPS;
 - b. Ms. XXXXXXXXXXXXXXXXXXXX, General Education Teacher, XXXXXXXXXXXX;
 - c. Mr. XXXXXXXXXXXX, Special Education Teacher, XXXXXXXXXXXX;
 - d. Ms. XXXXXXXXXXXX, Principal, XXXXXXXX;
 - e. Ms. XXXXXXXX, IEP Team Chairperson, XXXXXXXXXXXX;
 - f. Ms. XXXXXXXX, Assistant Principal, XXXXXXXXXXXX; and
 - g. Ms. XXXXXXXXXXXX, Social Worker, BCPS.

Ms. Diana K. Wyles, Associate Counsel, attended the site visit as a representative of the BCPS and to provide information on the BCPS policies and procedures, as needed. On the same date, the BCPS provided the MSDE with documentation from the student's educational record.

10. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. The student's attendance record, dated August 18, 2014 to June 2, 2015;
 - b. Time sheet records of contractual staff employed to provide adult support to the student, dated August 25, 2014 to April 16, 2015;
 - c. The sign in sheets of school staff providing adult support to the student, dated August 27, 2014 to April 16, 2015;
 - d. IEP and Prior Written Notice, dated August 29, 2014;
 - e. Correspondence from the school system to the complainant concerning teacher certification, dated September 2014;
 - f. The social worker's progress notes, dated October 3, 2014 to April 16, 2015;
 - g. Documentation of indirect special education services provided by the special education teacher, dated December 4, 2014 to March 3, 2015;
 - h. Maryland Educator Certificate of XXXXXX, valid July 1, 2014 to June 30, 2019;
 - i. Receipts of parental rights document, dated September 5, 2014 and March 11, 2015;
 - j. Reports of the student's progress towards achieving the annual IEP goals, dated October 29, 2014, January 16, 2015, March 4, 2015 and March 25, 2015;

- k. School bus incident reports and written accounts of the student's behavior on the bus, dated October 31, 2014, November 13, 2014, December 18, 2014, and March 20 and 25, 2015;
- l. The student's classroom schedule for the 2014-2015 school year ;
- m. The student's behavior charts and notes of the staff reporting the student's behavior in the classroom, dated December 18, 2014 to March 24, 2015;
- n. The school staff's reports of the student's progress, dated March 5, 2015, and March 9, 2015;
- o. The general educator's report of the student's academic functioning, dated March 9, 2015;
- p. The school staff's log of communications in preparation for the March 11, 2015 IEP team meeting;
- q. Attendance sheet of participants at the March 11, 2015 IEP team meeting;
- r. IEP and Prior Written Notice, dated March 11, 2015;
- s. The complainant's handwritten request to amend the IEP dated March 11, 2015, undated;
- t. Behavior Intervention Plan, revised March 11, 2015;
- u. The school staff's contact log of communications with the complainant, dated February 5, 2015 and March 25, 2015;
- v. Amended IEP and Prior Written Notice, dated April 2, 2015;
- w. Memo from Home and Hospital to the school staff, dated April 13, 2015;
- x. The student's report card for the 2014-2015 school year, printed June 4, 2015;
- y. The student's scores on benchmark tests in English and Mathematics, dated October 24, 2014 and January 5, 2015; and
- z. Correspondence and attachments from the complainant to MSDE, received on May 11, 2015.

BACKGROUND:

The student is seven (7) years old and is identified as a student with an Other Health Impairment under the IDEA related to Attention Deficit Hyperactivity Disorder, and has an IEP that requires the provision of special education and related services. The student attended XX (XXXXXXXX) from the start of the 2014 - 2015 school year until March 24, 2015. On April 17, 2015, the school system removed the student from enrollment following the complainant's decision to provide instruction at home (Docs. a and w).

During the period of time addressed by this investigation, the complainant was provided with written notice of the procedural safeguards (Docs. i and r).

**ALLEGATION #1: IEP TEAM PARTICIPANTS AT THE
MARCH 11, 2015 IEP TEAM MEETING**

FINDINGS OF FACTS:

1. On March 11, 2015, the IEP team convened to review the student's IEP. Prior to the meeting, the school staff sent the complainant a written invitation to the meeting that indicates that three (3) general education teachers, specifically the student's general education math, reading and written language teachers, would participate in the meeting. However, the attendance sheet reflects that the only general education teacher who attended the meeting was the student's written language teacher. The special education teacher who was providing consultation to the student's general education teachers attended the meeting (Docs. g, l, q, and r).

DISCUSSION/CONCLUSIONS:

The IEP team must include not less than one (1) regular education teacher of the student, and not less than one (1) special education teacher or provider of the student. The IEP team may also include other individuals who have knowledge or special expertise regarding the student, including related service personnel, as appropriate (34 CFR §300.321). The United States Department of Education, Office of Special Education Programs (OSEP) emphasizes that it is the public agency that determines the specific personnel to fill the roles for the public agency's required participants at an IEP team meeting (Analysis of Comments and Changes to IDEA, *Federal Register*, Vol. 71, No. 156, p.46674, August 14, 2006).

In this case, the complainant alleges that the student's reading teacher was an IEP team member who was required to attend the IEP meeting on March 11, 2015, but that she did not attend the meeting (Doc. z and interview with the complainant).

Based on the Finding of Fact #1, the MSDE finds that while the BCPS invited three (3) of the student's general education teachers to the meeting, there was no requirement for all three teachers to attend. Based on the same Finding of Fact, the MSDE finds that the IEP team included one general education teacher of the student, and the special education teacher who provided indirect services to the student. Therefore, this office does not find a violation occurred with respect to this allegation.

**ALLEGATION #2: CONSIDERATION OF THE COMPLAINANT'S
CONCERNS AT THE MARCH 11, 2015 IEP TEAM
MEETING**

FINDINGS OF FACTS:

2. At the March 11, 2015 IEP team meeting, the complainant expressed concern that the student was making a slow rate of progress. The IEP team considered data documented in

XXX

Dr. Gregory Thornton

July 10, 2015

Page 6

the progress reports from the student's teachers, reports of the student's progress towards mastery of the IEP goals, the student's report card, and classroom-based assessment data. This data reflects varying levels of performance in reading comprehension, from below grade level to above grade level. While the complainant reports that she expressed her concern about the conflicting information, and that she requested that school staff conduct additional assessments to determine an accurate representation of the student's grade level of functioning in reading, the school staff deny this and there is no documentation of her requests (Docs. j, n, o, and r, and interviews with the complainant and the school staff).

3. There is documentation that the complainant expressed concern about the reports of the school staff contained in the daily behavior sheets that the student is "stubborn" and "talks back." The complainant also expressed her concern that the student's impulsivity causes him to adopt the inappropriate behaviors of his peers, and that the student needs to improve relations with peers. The school staff reported that the student displays "significant inattentive behaviors" at school, and that he has difficulty initiating and completing tasks, maintaining attention, and with organization (Doc. r).
4. While the student's Behavior Intervention Plan (BIP) was revised by school staff prior to the March 11, 2015 IEP team meeting to address the student's peer interactions, those revisions were not discussed at the IEP team meeting (Docs. t and r, and interviews with the complainant and the school staff).

DISCUSSION/CONCLUSIONS:

The public agency must offer each student with a disability a Free Appropriate Public Education (FAPE) through an IEP that includes special education and related services that address the student's identified needs. 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 parents 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 child whose behavior impedes his or her learning or that of others, the IEP team must consider positive behavioral interventions and supports, and other strategies, to address that behavior (34 CFR §§300.101, .320 and .324).

In order to provide a student with a FAPE, the public agency must ensure that an IEP is developed that addresses all of the needs that arise out of the student's disability that are identified in the evaluation data. 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 parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. Revisions to the IEP must be made either through the IEP team or agreement of the parties to amend without an IEP team meeting (34 CFR §§300.101, .320, and .324).

XXX

Dr. Gregory Thornton

July 10, 2015

Page 7

In this case, the complainant alleges that she expressed concern about conflicting reports of the student's grade level of functioning in reading comprehension. Based on the Findings of Facts #2 and #3, the MSDE finds that the complainant expressed concern about the student's progress, and the student's need for behavioral support to improve peer relations. However, based on the Finding of Fact #2, the MSDE finds that there is no documentation that the complainant expressed concern about the student's level of performance in reading comprehension. Therefore, this office does not find a violation with respect to this aspect of the allegation.

Based on the Findings of Facts #3 and #4, the MSDE finds that while the IEP team considered the complainant's and the school staff's concerns about the student's need for additional behavioral supports, the BCPS did not ensure that revisions made to the BIP to address those concerns were considered and approved through the IEP team process. Therefore, this office finds a violation occurred with respect to this allegation.

ALLEGATION #3: THE COMPLAINANT'S REQUEST FOR AMENDMENT OF THE MARCH 11, 2011 IEP

FINDINGS OF FACTS:

5. Following the March 11, 2015 IEP team meeting, the complainant sent written correspondence to the school staff reiterating her concerns that the student "is distracted consistently and provoked by other students in his class" which interferes with his school work, and that he needs assistance to learn how to deal with conflict with peers and getting the attention of teachers in a non-disruptive way (Doc. s and interview with the complainant).
6. Following the March 11, 2015 IEP team meeting, the complainant requested that the school staff amend the IEP (Doc. s and interview with the complainant).
7. On March 25, 2015, the school staff contacted the complainant by telephone in response to her request to revise the March 11, 2015 IEP. The school staff report that the complainant was asked to clarify some of the revisions in her request. The school staff offered to convene an IEP meeting with the complainant "due to the lengthy changes" in her request. The documentation reflects that the complainant declined the offer (Doc. u).
8. On April 2, 2015, the school staff contacted the complainant by telephone to schedule an IEP meeting to address her requested revisions to the March 11, 2015 IEP. The school staff explained that an IEP team meeting was necessary in order to respond to the large number of IEP revisions that the complainant requested, including new concerns that had not been raised at the March 11, 2015 IEP team meeting. The complainant again declined the offer of an IEP meeting, and indicated that "she did not want to have another meeting, [and] that she just wanted to have the comments added to the IEP" (Doc. f).

XXX

Dr. Gregory Thornton

July 10, 2015

Page 8

9. On April 2, 2015, the school staff made revisions to the student's IEP in response to the complainant's request. While the school staff did not revise the March 11, 2015 IEP in the specific manner requested by the complainant, the school staff documented that certain changes to the IEP were not made due to the need for "further clarification," and that the complainant had declined to meet. There is no documentation that the school staff informed the complainant of her right to request a hearing to challenge the information in the educational record following its refusal to amend the March 11, 2015 IEP in the specific manner requested by the complainant (Doc. v, and interview with the school staff).

DISCUSSION/CONCLUSIONS:

A parent who believes that information in the student's educational record is inaccurate or misleading may request that the public agency amend the information. Upon receipt of such a request, the public agency must decide, within a reasonable period time of the receipt of the request, whether to amend the information. If the public agency refuses to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing before school system personnel to challenge the information (34 CFR §§300.618 and .619).

Based on the Findings of Facts #5 - #9, the MSDE finds that the BCPS responded to the complainant's request to amend the March 11, 2015 IEP. However, based on the Finding of Fact #9, the MSDE finds that the BCPS has not provided the complainant with information about her right to request a hearing. Therefore, this office finds that the BCPS did not ensure that proper procedures have been followed in response to the complainant's request, and that a violation occurred regarding this allegation.

**ALLEGATION #4: ENSURING THAT THE STUDENT RECEIVED
ADULT ASSISTANCE REQUIRED BY
THE IEP AND WAS ABLE TO PARTICIPATE
IN EXTRACURRICULAR ACTIVITIES**

FINDINGS OF FACTS:

Provision of a Dedicated Assistant

10. The IEP in effect at the start of the 2014-2015 school year was developed on August 29, 2014, reviewed on March 11, 2015, and amended on April 2, 2015. The IEP requires that the student receive adult support on a daily basis, and reflects that this support will be provided by a Temporary Support Assistant (TSA), who is a staff member assigned to work specifically with the student on a 1:1 basis. The IEP documents that the TSA is required in order to support the implementation of the student's behavior plan, assist the student getting to and from the bus, remind the student to gather his materials

XXX

Dr. Gregory Thornton

July 10, 2015

Page 9

and check to make sure that he has done so. In addition, it states that the student “requires a 1:1 aide to support him with remaining on task during instruction, to reduce inappropriate behaviors and ensure his overall safety as he moves throughout the academic environment.” The IEP also requires that the 1:1 aide complete a daily monitoring sheet and meet weekly with the student’s case manager (Docs. d, r and v).

11. The time sheet records and sign in sheets reporting the attendance of the staff assigned to provide the student with the adult support indicate that the student was not consistently provided with adult support every day, and for the entire school day, during the 2014-2015 school year. In addition, there is no documentation that the TSA consistently completed the daily monitoring sheets during the 2014-2015 school year (Docs. b and c).

Participation in Non-Academic and Extracurricular Activities

12. The IEP states that the student will participate with his non-disabled peers in academic, non-academic, and extracurricular activities with the provision of supports such as assistance from the 1:1 aide (Docs. d, r and v).
13. On February 5 and 6, 2015, the complainant expressed her concern to several school staff members that the student would not be allowed to participate in an upcoming field trip to Port Discovery due to his behavior. The parties report that the student subsequently participated in the field trip to Port Discovery with his aide (Docs. f and u, and interviews with the complainant and the school staff).
14. On March 11, 2015, the IEP team convened and documented that the complainant was informed that the student would be included in all activities, events, and field trips accompanied by his aide (Docs. q and r).
15. The complainant reports that the student was frequently not allowed to participate in gym class, and is not included in play groups, study groups and social groups in class, due to this behavior. While the student is seated apart from other students in class, as needed to ensure that he student maintains attention to the work, there is no documentation that the student has been excluded from gym. In addition, there is no evidence of the existence of study or social groups from which the student has been excluded (Doc. z, and interviews with the complainant and the school staff, and review of the student’s educational record).

DISCUSSION/CONCLUSIONS:

The public agency must ensure that students with disabilities receives the services and supports required by the IEP (34 CFR §§300.101 and .323).

Provision of a Dedicated Assistant

In this case, the complainant alleges that the student has not been consistently provided with adult assistance throughout the school day (Doc. z, and interview with the complainant).

Based on the Findings of Facts #10 and #11, the MSDE finds that the student's IEP requires that he be provided adult support on a daily basis. However, based on the Finding of Fact #11, the MSDE finds that the BCPS has not ensured that the student has consistently been provided with the adult support required by the IEP for the 2014-2015 school year. Therefore, this office finds a violation occurred with respect to this aspect of the allegation.

Participation in Non-Academic and Extracurricular Activities

In this case, the complainant alleges that the student has been excluded from study groups, play groups, social groups, and gym class (Doc. z, and interview with the complainant). Based on the Findings of Facts #12 - #15, the MSDE finds there is no documentation to support this assertion. Therefore, this office does not find a violation with respect to this aspect of the allegation.

ALLEGATION #5: HIGHLY QUALIFIED TEACHER

FINDINGS OF FACTS:

16. The IEPs in effect during the 2014-2015 school year require that the student be provided with special education instruction in language arts for ten (10) hours per week by a general education teacher (Docs. d, r and v).
17. In September 2014, the school system sent correspondence to the complainant indicating that the teacher assigned to teach the student's language arts class does not meet the federal definition of a "highly qualified" teacher. The school staff report that the paperwork evidencing the teacher's certification in early childhood education had been submitted to, but not yet processed by, the MSDE at the time this correspondence was sent (Doc. e and interview with the school staff).
18. The teacher assigned to teach the student's Language Arts class during the 2014-2015 school year holds a Standard Professional Certificate in Early Childhood Education Pre K-3, valid from July 1, 2014 through June 30, 2019 (Docs. h and l, and interview with the school staff).

DISCUSSION/CONCLUSIONS:

The public agency must ensure that personnel are appropriately and adequately prepared and trained in order to certify that special education instruction and related services are provided by “highly qualified” personnel. In order to meet the “highly qualified” requirement, special education teachers must obtain State certification as a special education teacher or pass the State special education teacher licensing examination, and hold a license to teach in the State as a special education teacher. Maryland teachers can meet these requirements by holding at least a Bachelor’s Degree and a valid Maryland Advanced Professional Certificate or a National Board Certification in the core academic subject being taught (34 CFR §§300.18 and .156).

In this case, the complainant alleges that the student’s reading teacher is not “highly qualified” and that, as a result, her son is not receiving appropriate instruction (Doc. z, and interview with the complainant). Based on the Findings of Facts #16 - #18, the MSDE finds that the student’s language arts teacher is “highly qualified” and that she held the proper certification at the start of the 2014-2015 school year. Therefore, this office does not find a violation with respect to this allegation.

ALLEGATION #6: IEP MEETING TO ADDRESS LACK OF PROGRESS

FINDINGS OF FACTS:

19. The IEP in effect at the start of the 2014-2015 school year was developed on August 29, 2014. The IEP reflects that the student displays “significant inattentive behaviors,” is easily distracted, tends to be disorganized, may have trouble completing assignments, and has difficulties in the areas of peer relationships and conflict resolution. The IEP includes two (2) academic goals for the student to improve in reading comprehension and written language expression. The IEP also includes three (3) social/emotional/behavioral goals for the student to improve on task behavior, to improve his personal relationships by demonstrating positive interactions with peers, and to improve his problem solving skills (Doc. d).
20. There is documentation that the student received “unsatisfactory” grades in conduct, and continues to have difficulty staying on task and following directions, remaining in his seat, resolving conflicts with peers, respecting peers’ personal space, keeping his hands to himself, and working in groups. However, the reports of the student’s progress, dated October 29, 2014, January 16, 2015, and March 4, 2015, reflect that the student was making sufficient progress towards mastery of his IEP goals (Docs. f, j, k, m and x).
21. The student achieved an “advanced” score of 82.8% on a benchmark test in English language and literature, and “advanced” scores of 96.3% and 97.1% on benchmark tests in mathematics during the 2014-2015 school year. In addition, the student’s report card reflects that he was proficient, or making progress, towards meeting the grade level standards in all academic content areas (Docs. x and y).

DISCUSSION/CONCLUSIONS:

The public agency must ensure that the IEP is reviewed at least annually in order to determine whether the student is making sufficient progress towards achievement of the annual IEP goals. In addition, the IEP team must review and revise, as appropriate, the IEP to address lack of expected progress towards achievement of the IEP goals (34 CFR §300.324).

Based on the Findings of Facts #20 and #21, the MSDE finds that, while the student continued to demonstrate targeted behaviors, there is documentation that he was making sufficient progress towards achievement of the annual IEP goals and was progressing through the general curriculum. Therefore, this office does not find a violation occurred with respect to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

By August 1, 2015, the MSDE requires the BCPS to provide the complainant with information on how to request a hearing to challenge the content of the student's educational record.

The MSDE also requires the BCPS to provide documentation, by the start of the 2015-2016 school year, that the IEP team has convened to review the student's BIP to give the complainant the opportunity to provide input.

Further, the MSDE requires the BCPS to provide documentation, by the start of the 2015-2016 school year, that the IEP team has convened and determined the amount and nature of compensatory services or other remedy for the student's loss of consistent provision of the 1:1 aide considering the following:

- a. the student's current levels of academic and functional performance;
- b. the levels of academic and functional performance that were expected to be achieved by that time; and
- c. a plan for how and when the services are to be provided within one (1) year of the date of this Letter of Findings, if the student returns to BCPS.

The BCPS must provide the complainant with proper written notice of the determinations made at the IEP team meeting including a written explanation of the basis for the determinations, as required by 34 CFR §300.503. If the complainant disagrees with the IEP team's determinations, the complainant maintains the right to request mediation or file a due process complaint, in accordance with IDEA.

XXX
Dr. Gregory Thornton
July 10, 2015
Page 13

School-Based

The MSDE requires the BCPS to provide documentation by the start of the 2015-2016 school year that steps have been taken to determine whether the violations identified through this investigation are unique to this case or whether they constitute a pattern of violations at XXXXXXXX. Specifically, a review of student records, data, or other relevant information must be conducted in order to determine if the regulatory requirements are being implemented and documentation of the results of this review must be provided to the MSDE. If compliance with the requirements is reported, the MSDE staff will verify compliance with the determinations found in the initial report.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, the MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Complaint Investigation/Due Process Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Kathy Aux, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that complainant and the school system 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 within the timelines 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 student's parents and the school system

XXX

Dr. Gregory Thornton

July 10, 2015

Page 14

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 due process.

Sincerely,

Marcella E. Franczkowski, M.S.

Assistant State Superintendent

Division of Special Education/Early Intervention Services

c: Darnell L. Henderson
Diana Wyles
XXXXXXXXXXXX
Dori Wilson
Anita Mandis
K. Sabrina Austin
Bonnie Preis
Kathy Aux