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May 16, 2016

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Ms. Tiffany Clemmens
Executive Director of Specialized Services
Baltimore City Public Schools
200 East North Avenue, Room 204 B
Baltimore, Maryland 21202

RE: XXXXX
Reference: #16-084

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 March 15, 2016, the MSDE received a complaint from Ms. XXXXXXXXXXXX, 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 her son, the above-referenced student.

The MSDE investigated the following allegations:

1. The BCPS has not ensured that the student was provided with the math instruction and special education consultation services, as required by the Individualized Education Program (IEP), since November 10, 2015, in accordance with 34 CFR §300.101.
2. The BCPS has not ensured that reports were made of the student’s progress toward achieving the annual IEP goals since the start of the 2015-2016 school year, in accordance with 34 CFR §§300.101, .320 and .323.

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3. The BCPS has not ensured that the student's IEP contained a transition plan based on age appropriate assessments, since November 10, 2015, in accordance with 34 CFR §300.320.
4. The BCPS did not ensure that an IEP team convened to address the student's interfering behavior related to lack of regular class attendance since the start of the 2015-2016 school year, in accordance with 34 CFR §300.324.
5. The BCPS did not provide prior written notice of the IEP team's November 10, 2015 decisions, in accordance with 34 CFR §300.503.
6. The BCPS did not ensure that all of the student's cognitive needs that arise out of his disability were identified and addressed since March 2015, in accordance with 34 CFR §300.324.

INVESTIGATIVE PROCEDURES:

1. On March 17, 2016, the MSDE sent a copy of the complaint, via facsimile, to Ms. Tiffany Clemmens, Executive Director of Specialized Services, BCPS, Mr. Darnell L. Henderson, Esq., Associate Counsel, Office of Legal Counsel, BCPS, and Ms. Diana Wyles, Esq., Associate Counsel, Office of Legal Counsel, BCPS.
2. On March 22, 2016, Ms. Sharon Floyd, Education Program Specialist, MSDE, discussed the allegations being investigated with the complainant.
3. On March 30, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation.
4. On April 5, 6, and 7, 2016, Ms. Floyd spoke with the complainant about the allegations to be investigated and the State complaint process.
5. On April 26, 2016, Ms. Floyd discussed the allegations being investigated with Ms. Diana K. Wyles, Esq., Associate Counsel, Office of Legal Counsel, BCPS.
6. On April 27, 2016, Ms. Floyd, and Ms. Nicole Green, Dispute Resolution Data Specialist, MSDE conducted a site visit at XXXXXXXXXXXXXXXXXXXXXXXX High School to review the student's educational record, and interviewed the following:
 - a. Ms. XXXXXXXX, Transition Coordinator;
 - b. Ms. XXXXXXXX, Special Education Teacher;
 - c. Ms. XXXXXXXX, School Counselor;
 - d. Ms. XXXXXXXX, Speech/Language Pathologist;
 - e. Ms. XXXXXXXX, School Psychologist; and
 - f. Ms. XXXXXXXX, IEP Team Chairperson.

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Mr. Jeffrey Wyatt, Education Specialist, BCPS, and Ms. Wyles attended the site visit as representatives of the BCPS and to provide information on the BCPS policies and procedures, as needed.

6. On April 27, 2016, the BCPS provided documents to the MSDE for consideration.
7. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, this includes:
 - a. Notice of the procedural safeguards, provided to the complainant on November 10, 2015;
 - b. IEP, dated November 10, 2015, and progress reports dated November 5, 2015, January 22, 2016, and March 24, 2016;
 - c. IEPs, dated April 27, 2016 and September 16, 2014;
 - d. Invitation to the November 10, 2015 IEP team meeting and written summary of the meeting;
 - e. Invitation to the April 27, 2016 IEP team meeting and written summary of the meeting;
 - f. Invitations to IEP team meetings scheduled for February 3, 2016, March 11 and 16, 2016;
 - g. The student's attendance for the 2015-2016 school year and his attendance for Bridge classes during March 2016;
 - h. The student's report card, from August 17, 2015 through March 24, 2016;
 - i. A report of the student's graduation status, dated April 27, 2016;
 - j. A report of the student's transcript, dated March 10, 2016;
 - k. A receipt of the IEP and initiation of services, signed by the student's teachers, dated August 30, 2015 through February 8, 2016;
 - l. A log of indirect special education services, dated September 25, 2015 through March 11, 2016;
 - m. A receipt of the transition process and agency linkage, dated and signed by the complainant on November 10, 2015;
 - n. The student's Transition Planning Inventory Form, dated November 15, 2015;
 - o. Reports of the psychological assessment, dated March 3, 2016, the speech/language assessment, dated December 9, 2015, the educational assessment, dated December 18, 2015, the psychological assessment, dated February 7, 2006 and consent for reevaluation, signed and dated by the complainant on November 10, 2015;
 - p. The Baltimore City Public Schools Family Information Calendar for the 2015-2016 school year;
 - q. Electronic mail (email) correspondence between the school system staff and the complainant, dated March 4 and 11, 2016;

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- r. Email correspondence between the school system staff and the MSDE, dated April 7, 2016 through May 13, 2016;
- s. Email correspondence between the MSDE and the complainant, dated March 15, 2016 through April 7, 2016;
- t. The reports of the student's general education progress, dated October 21, 2015, November 5 and 10, 2015;
- u. The report of the student's speech and language progress, dated January 8, 2015;
- v. Email correspondence between the school staff and the Maryland DORS dated April 20, 2016;
- w. A log of service coordination for Third Party Billing, dated August 29, 2014 through April 20, 2016;
- x. A log of parent contacts, dated October 13, 2015 through May 3, 2016;
- y. Common Core Standards Preparing America's Students for College And Career, 2010; and
- z. Correspondence from the complainant alleging violations of the IDEA, received by the MSDE on July 20, 2015.

BACKGROUND:

The student is seventeen (17) years old and attends XXXXXXXXX High School. He is identified as a student with a Speech/Language Impairment under the IDEA, and has an IEP that requires the provision of special education instruction and related services (Docs. b, c, and o).

During the time period covered by this investigation, the complainant was provided with notice of the procedural safeguards (Doc. a).

ALLEGATION #1 PROVISION OF SPECIAL EDUCATION MATH INSTRUCTION AND SPECIAL EDUCATION CONSULTATION SERVICE SINCE NOVEMBER 10, 2015

FINDINGS OF FACTS:

Math Instruction

1. The IEP developed on November 10, 2015, includes a math goal that the student will be able to interpret data on a fourth (4th) grade level, by defining and sorting data (Doc. b).
2. The IEP requires that the student's special education instruction in math is to be provided in a separate special education class taught by a special education teacher (Doc. b).
3. The IEP states that the Least Restrictive Environment (LRE) in which special education instruction can be provided is within the general education setting with the use of supplemental aids and services (Doc. b).

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4. The student has not been enrolled in a math class during the 2015-2016 school year. However he is enrolled in a Carpentry II Course which requires that the student has knowledge of math computation skills. While the math goal is addressed in this class, the instruction is not provided by a special education teacher in a separate special education classroom as required by the IEP (Docs. h, i, and j).
5. On January 22, 2016, a report of the student's progress towards achievement of the annual IEP math goal was made, which states that the goal was "not yet introduced" (Doc. b).
6. On March 24, 2016, a report of the student's progress towards achievement of the goal was made, which states that the student is making sufficient progress to meet the goal. It states that the student is progressing very well in the Carpentry II course and is able to make the correct mathematical analysis in order to complete carpentry projects (Doc. b).

Special Education Consultation

7. The IEP, dated November 10, 2015, requires that classroom instructional consultation services are provided to the general education teachers by a special education teacher for fifteen (15) minutes per month (Doc. b).
8. The special education teacher's service provision logs reflect that the special education teacher meets with the student's teachers including the teacher of the Carpentry II course monthly to discuss his IEP, progress and supports that assist him with accessing the general education curriculum (Doc. 1).

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. The only circumstances under which this obligation is not required to be fulfilled is if the parent revokes consent to the provision of those services or the student no longer meets the qualifications for the provision of special education and related services under federal or State law (34 CFR §§300.9, .101 and .102).

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. The IEP must include a statement of the program modifications or supports for school personnel that will be provided to enable the student to be involved in and make progress in the general education curriculum. In the case of a student 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).

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In this case, the complainant alleges that the IEP states that while the student is to receive special education services for math in a separate special education class, he has not been enrolled in a math class for the 2015-2016 school year.

Based on the Findings of Facts #1-#6, the MSDE finds that the student's math goal is being addressed within the Carpentry II course, but that it is not being provided within a separate special education math class by a special education teacher, as required by the IEP. Therefore, the MSDE finds that a violation occurred with respect to this aspect of the allegation.

Based on the Findings of Facts # 7 and #8, the MSDE finds that there is documentation that the special education consultative services with the general education teachers for fifteen (15) minutes per month by the special education teacher are being implemented as required by the IEP. Therefore, the MSDE does not find a violation occurred with respect to this aspect of the allegation.

**ALLEGATION #2 REPORTS OF THE STUDENT'S PROGRESS DURING
THE 2015-2016 SCHOOL YEAR**

FINDINGS OF FACTS:

9. The IEP requires that the parent be notified of the student's progress toward achievement of the IEP goals with a written progress report on a quarterly basis (Doc. b).
10. There is documentation that the school staff developed three (3) reports of the student's progress, dated November 5, 2015, January 22, 2016 and March 24, 2016 (Doc. b).
11. The school system staff state that progress reports are provided along with each report card. They further report that these are routinely mailed home by the student's case manager (Interview with the school staff).
12. The BCPSs Family Information Calendar indicates that the 2015-2016 distribution window for the first (1st) quarter report card is December 10-12, 2015, second (2nd) quarter is February 27-28, 2016, and third 3rd quarter is May 7-8, 2016 (Doc. p).
13. The log of services from the special education teacher states that the quarterly progress reports were sent to the student's home on October 9, 2015, December 15, 2015, and March 7, 2016 (Doc. x and interview with school staff).

DISCUSSION/CONCLUSION:

The IEP must include, among other things, a description of how the student's progress toward achieving the annual goals will be measured and when reports will be made of the student's progress to the parents (34 CFR §300.320).

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In this case, the complainant alleges that she has never received progress reports during the 2015-2016 school year.

Based on Findings of Facts #9-#14, the MSDE finds that the data regarding the dates that the progress reports were generated is inconsistent with those of when they were reported to have been mailed to the complainant. Therefore, this office finds that there is not documentation that progress reports were provided to the complainant as required by the IEP, and that a violation occurred with regard to the allegation.

**ALLEGATION #3 DEVELOPING AN APPROPRIATE TRANSITION PLAN
SINCE NOVEMBER 10, 2015**

FINDINGS OF FACTS:

14. The IEP in effect since November 10, 2015 reflects that in an interview with school staff on November 2, 2015, the student indicated his preference and interest in working in the Construction and Development field. Based on this information, the IEP team developed post secondary goals for the student to obtain training, and to work within the Construction and Development field, after graduating with a Maryland High School Diploma. In addition, the IEP team identified transition activities to assist the student in preparing for becoming a Construction and Development worker, which included completing the carpentry class in which he is currently enrolled, completing a resume, obtaining his certification in carpentry and researching employment opportunities within this field of choice (Doc. b).
15. On April 27, 2016, the IEP team convened to address the concerns of the complainant regarding the supports that will be in place once the student leaves high school. The IEP team discussed that a representative of the Maryland Department of Rehabilitative Services (DORS) will be contacted to assist the student with obtaining services from that agency after leaving high school. There is documentation that school staff contacted the representative about the student (Docs. c and v).

DISCUSSION/CONCLUSIONS:

The IDEA and the COMAR require a school system to ensure that, beginning not later than the first IEP to be in effect when a student turns fourteen (14) years old, the IEP include a transition plan. The IEP must include appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills. The IEP must also include the transition services, including courses of study needed to assist the student with the goals (34 CFR §300.320 and COMAR 13A.05.01.09).

Based on the Findings of Facts #14- #15, the MSDE finds that the IEP team provided a transition plan as required by the IEP. Therefore, the MSDE finds that no violation occurred with respect to this allegation.

**ALLEGATION #4 ADDRESSING INTERFERING BEHAVIORS CAUSING
A LACK OF ATTENDANCE**

FINDINGS OF FACTS:

16. A report of the student's attendance for the 2015-2016 school year reflects that the student attended individual classes inconsistently even though he was in attendance at school for a majority of the time (Doc. g).
17. The student's report card, dated March 24, 2016, reflects that the student's lack of consistent attendance is interfering with his learning (Doc. h).
18. The reports of the student's progress towards achievement of the annual IEP goals also documents that the student is often late to class or doesn't attend classes regularly (Docs. b and t).
19. A log of the consultative services between the special education teacher and the general education teachers reflects that the student is frequently absent or late, sleeps in class and does not complete assignments when he attends (Doc. w).
20. There is no documentation, from September 2015 until the end of April 2016, that the IEP team considered positive behavioral interventions to address the student's interfering behaviors (Docs. d, e, f, l, w, t, and v).
21. The documentation of the IEP team meeting held on April 27, 2016 reflects that the complainant expressed concerns about the student "cutting" class. The IEP team decided to monitor the student's attendance and provide counseling services to assist the student with increasing his coping skills in preparation for the remainder of his senior year in high school and his postsecondary goals (Doc. e).

DISCUSSION/CONCLUSION:

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 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 #16-#21, the MSDE finds that the IEP team did not take steps to address the student's interfering behavior from September 15, 2015 through April 27, 2016. Therefore, the MSDE finds that a violation occurred during this time period.

**ALLEGATION #5 PRIOR WRITTEN NOTICE FOR NOVEMBER 10, 2015 IEP
TEAM MEETING**

FINDINGS OF FACTS:

22. The IEP team, including the student's parents met on November 10, 2015 to propose a reevaluation of the student's educational and speech/language skills to determine the student's disability, educational impact and the student's need for special education and related services. Another stated purpose of the IEP team meeting was to revise the IEP and consider postsecondary goals and transition services for the student (Docs. b, d, m, n, and o).
23. The IEP provides information about the team's decisions and the basis for those decisions (Doc. c).
24. The parent contact log reflects that the IEP was mailed to the parent on November 16, 2015 (Doc. y and interview with school staff).

DISCUSSION/CONCLUSION:

The public agency is required to provide the parent of a student with a disability with written notice before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. This notice includes a description of the action proposed or refused, an explanation of the action, a description of each evaluation procedure, assessment, record, or report used as a basis for the decision (34 CFR §300.503).

There is no requirement to provide the parent of a student with a disability with a verbatim transcript of discussions that occur at the IEP team meeting. Additionally, as explained in the *Analysis of Comments and Changes* to the IDEA, there is nothing that would prohibit the public agency from using the IEP document as part of the prior written notice so long as it has all of the required content (Federal Register, Vol. 71, No. 156, August 14, 2006, p. 46691).

In this case, the complainant believes that she should have been provided with a prior written notice document in addition to the IEP.

Based on the Findings of Facts #22-#25, the MSDE finds that the IEP included required content for the prior written notice. Therefore, this office finds that no violation occurred with respect to the allegation.

**ALLEGATION #6 IDENTIFYING AND ADDRESSING THE STUDENT'S
COGNITIVE NEEDS**

25. The IEP in effect since March 2015 identifies the student's primary disability as a Speech or Language Impairment and the areas affected by the disability include math problem solving, reading comprehension and written language mechanics. The IEP documents that the disability has an "adverse impact on the student's ability to retain information" (Doc. b).
26. The IEP in effect since March 2015, documents the gap between the student's present levels of academic achievement and functional performance as follows:
 - reading performance-seven (7) grade levels below,
 - math performance-five (5) grade levels below, and
 - writing-eight (8) grade levels below the student's grade placement (Doc. b).
27. The annual goals reflect that the student is to increase his reading comprehension skills, his math skills, and his writing skills by at least one (1) grade level within a year. The goals are not written to address grade level content standards¹ since they are written at the student's instructional grade level (Docs. b and z).
28. The reports from the teachers of the classroom strategies utilized include the provision of a reader, a scribe, and modification of the instruction. However, the student is often absent from class, or off-task resulting in the teachers' questioning whether his avoidance of the work is due to a lack of understanding of the content (Doc. t).
29. The complainant signed consent for the IEP team to reevaluate the student's cognitive functioning "to ensure that the appropriate disability is documented because there is a discrepancy between the student's grades and his ability which could be an indicator that the current disability code needs to be changed" (Doc. o).
30. On April 27, 2016, the IEP team decided that the student meets the criteria for identification as a student with an Intellectual Disability (Docs. c and e).
31. The April 27, 2016 IEP documented that the student, who is in the twelfth (12th) grade, is functioning at the kindergarten to third (3rd) grade level in academic areas, was below his peers in communication skills, and required modified instruction in all academic and non-academic classes. The IEP required that the student receive fifteen (15) hours of special education instruction, with instruction in academic areas in a general education classroom and counseling services to provide the student with coping skills designed to assist him with postsecondary preparation. The IEP required that the student receive the services of

¹ The Common Core State Standards Initiative Preparing America's Students for College and Career, Council of Chief State School Officers, Copyright 2010, (www.corestandards.org).

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a “human reader” to accommodate his inability to read grade-level text, a scribe to accommodate his inability to write on grade level, a special educator to monitor his progress and provide strategies to teachers, counseling and, supplementary aids and services designed to assist him with meeting academic success in all of his classes (Docs. c and e).

DISCUSSION/CONCLUSION:

It is the responsibility of the local school system to offer a FAPE to all students within its jurisdiction. In order to offer a FAPE, the public agency is required to develop an IEP that includes special education services designed to address the needs that arise from the student’s disability. In the case of a student whose behavior impedes his or her learning or that of others, the IEP must also include strategies to address that behavior (34 CFR §§300.34, .101, .320, .323 and .324).

The needs that arise from the student’s disability are identified through information obtained about the student’s present levels of academic and functional performance. In order to obtain this information, the IEP team must consider assessment data, information from the student’s teachers about the student’s classroom performance, and the concerns of the student’s parents (34 CFR §300.324).

The United States Department of Education, Office of Special Education Programs, requires that, during the investigation of an allegation that a student has not been provided with an appropriate educational program under the IDEA, the state educational agency must review the procedures used by a school system to reach determinations about the program. Additionally, the State educational agency must also review the evaluative data to determine if decisions made by the IEP team are consistent with the data (OSEP Letter #00-20, July 17, 2000 and Analysis of Comments and Changes to IDEA, *Federal Register*, Vol. 71, No. 156, p.46601, August 14, 2006).

The IDEA requires that a student’s IEP include measurable annual goals that are designed to both: (a) meet the needs that arise out of the student’s disability; and (b) enable the student to be involved in and make progress in the general curriculum, which is defined as the same curriculum used for nondisabled students [Emphasis added](34 CFR §300.320).

The United States Department of Education (USDOE) has explained that the annual goals must be aligned with the State’s academic content standards for the grade in which the student is enrolled, and take into account a student’s present levels of academic achievement and functional performance [Emphasis added]. In a situation in which a student is performing significantly below the level of the grade in which the student is enrolled, the USDOE explained that the IEP team should determine annual goals that are ambitious but achievable, and ensure that the IEP includes “specially designed instruction,” which the USDOE defines as an “element of special education instruction,” that includes the following:

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Adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability and to ensure access of the child to the general curriculum so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children [Emphasis added] (34 CFR §300.39 and *USDOE Dear Colleague Letter*, dated November 16, 2015 and Analysis of Comments and Changes to the IDEA, *Federal Register*, Vol. 71, No. 156, August 14, 2006, p. 46662).

The student who is seeking a Maryland High School Diploma must demonstrate mastery of the general curriculum, or the course content that is required for all students, and participate in assessments on that curriculum. In order for the annual goals to be aligned with that curriculum, they must measure the student's progress on that curriculum, and not the student's progress on instructional level activities.

However, the short-term objectives within the goal must be based on the student's present levels of performance and designed to assist the student with making progress towards achieving the goal. As the student achieves the short-term objectives, it is expected that they will be revised to move the student closer to achieving the goal to master the college and career ready standards around which the general curriculum is designed.

In order to assist the student in achieving the short-term objectives, and ultimately the goal, the student must be provided with specially designed instruction that adapts the content, methodology, or delivery of instruction appropriate to the student's needs. This can include adapting the content of instructional materials, such as textbooks.

Based on the Findings of Facts #26- #27 and #29, #31-#32 , the MSDE finds that the student's levels of academic and functional performance related to his cognitive ability were not included in the IEP from November 10, 2015 through April 27, 2016. Therefore, the MSDE finds that a violation occurred with regard to this aspect of the allegation.

Based on the Findings of Facts #26-#28, the MSDE finds that, while the IEP includes goals that are based on the student's present levels of performance, the BCPS did not ensure that the IEP goals are aligned with the grade level curriculum standards. Therefore, this office finds that the goals are not designed to assist the student in progressing through the general curriculum, and that a violation occurred since March 2015.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The BCPS is required to provide the MSDE with documentation, by June 15, 2016 of the offer of compensatory services or other agreed upon remedy for the student's loss of a FAPE since March 2015.

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The MSDE also requires the BCPS to provide documentation, by June 15, 2016 that the IEP team has taken the following actions:

- a. Revise the student's IEP to reflect annual IEP goals that are designed for the student to be able to make progress towards achieving grade level content standards;
- b. Revise the student's Least Restrictive Environment (LRE) and service provider(s) for math to reflect the student's current needs; and
- c. Ensure that the IEP progress reports have been provided to the complainant for the 2015-2016 school year.

ADDITIONAL DISCUSSION

In this case, the student may graduate from high school during the 2015-2016 school year. However, the student is entitled to compensatory services to remedy the loss of appropriate services for a one (1) year period.

The United States Department of Education, Office of Special Education Programs (OSEP) has addressed the remedies for violations of the IDEA that relate to the provision of compensatory education to students who are no longer eligible under the IDEA. In *Letter to Riffel*, the OSEP stated that "a student's graduation with a regular high school diploma would not, in our view, relieve a school district of its obligation to provide compensatory education to remedy a denial of a FAPE" (33 IDELER 188). Compensatory services often are appropriate as a remedy even after the period when a student is otherwise entitled to receive a FAPE because, like a FAPE, compensatory education can assist a student in the broader educational purposes of the IDEA, including obtaining a job or living independently.

In this case, the compensatory services would be implemented as a remedy for the loss of services since November 10, 2015. When considering the compensatory services required to redress the loss of appropriate services during this time period, the school system and the complainant may consider alternative methods to redress the loss of appropriate services to the student. The alternative methods may include, but are not limited to, compensatory services in the form of transition services to assist the student with transition from high school to post-school activities. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the remedy offered.

School-Based/Systemic

The MSDE requires the BCPS to provide documentation by the start of the 2016-2017 school year of the steps that the XXXXXXXXXX High School staff properly implements the requirements for the areas of noncompliance. The documentation must include a description of how the BCPS will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not recur.

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TECHNICAL ASSISTANCE:

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

Within fifteen (15) days of the date of this letter, the BCPS shall provide Dr. Birenbaum with the name and telephone number of the individual assigned by the public agency to serve as the contact person for the MSDE in ensuring completion of the corrective actions required as a result of this investigation.

Please be advised that both parties 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 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 public agency 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 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 FAPE, including issues subject to a 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: XXXXXXXXX
 Linda Chen
 Jenn Dull
 Charlene Harris
 Diana Wyles

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Dori Wilson
Anita Mandis
Sharon Floyd