



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

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December 10, 2012

Ms. Rebecca Pluta  
Special Education Advocate  
Post Office Box 535  
Gambrills, Maryland 21054

Dr. Kim Hoffmann  
Interim Executive Director, Special Education  
Baltimore City Public Schools  
200 East North Avenue, Room 204-B  
Baltimore, Maryland 21202

RE: XXXXX  
Reference: #13-013

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE), 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 October 11, 2012, the MSDE received a complaint from Ms. Rebecca Pluta, hereafter, “the complainant,” on behalf of Mr. XXXXXXXXX and Mrs. XXXXXXXXXXXXX and 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 the above-referenced student. The MSDE investigated the following allegations:

1. The BCPS has not ensured that the Individualized Education Program (IEP) addresses the student’s communication and assistive technology needs, since October 11, 2011, in accordance with 34 CFR §300.324.
2. The BCPS did not respond to a request made by the parents to conduct assessments, during the May 2, 2012 IEP team meeting, in accordance with 34 CFR §§300.303 - .311 and COMAR 13A.05.01.06.
3. The BCPS did not ensure that the student’s parents were provided with prior written notice of the determinations made at the May 2, 2012 IEP team meeting, in accordance with 34 CFR§300.503.

4. The BCPS did not follow proper procedures when determining the student's educational placement for the 2012-2013 school year at the May 2, 2012 IEP team meeting, in accordance with 34 CFR §§300.114-.116 and .321 and COMAR 13A.05.01.10(C)(1)).
5. The BCPS did not ensure that the IEP developed on May 2, 2012, included specific information regarding the frequency, location, and duration of the occupational, physical, and speech/language therapy services to be provided to the student, in accordance with 34 CFR §§300.300 and .320 and COMAR 13A.05.01.09.
6. The BCPS did not follow proper procedures when responding to a request made by the parents to amend the IEP developed on May 2, 2012, which is maintained in the student's educational record, in accordance with 34 CFR §§300.618-.621.
7. The BCPS did not ensure that the student's parents were provided with access to the student's educational record following the May 2, 2012 IEP team meeting, in accordance with 34 CFR §300.613.

#### **INVESTIGATIVE PROCEDURES:**

1. Ms. Koliwe Moyo, Education Program Specialist, MSDE, was assigned to investigate the complaint.
2. On October 15, 2012, the MSDE sent a copy of the complaint, via facsimile, to Dr. Kim Hoffmann, Interim Executive Director of Special Education, BCPS; and Ms. Nancy Ruley, Associate Counsel, BCPS.
3. On October 23, 2012, Ms. Moyo spoke with the complainant and clarified the allegations to be investigated.
4. On November 2, 2012, 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 Dr. Hoffmann of the allegations and requested that her office review the alleged violations.
5. On November 8, 2012, Ms. Moyo and Ms. Tyra Williams, Education Program Specialist, MSDE, conducted a site visit at XXXXXXXXXXXXXXXXXXXX to review the student's educational record, and interviewed the following school staff:
  - a. Mr. XXXXXXXX, IEP Chairperson;
  - b. Ms. XXXXXXXX, Principal; and
  - c. Ms. XXXXXXXX, Speech/Language Pathologist.

Ms. Ruley and Mr. Darnell Henderson, Legal Counsel, BCPS, attended the site visit as representatives of the BCPS and to provide information on the BCPS policies and procedures, as needed.

6. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings (LOF), which includes:
  - a. XXXXXXXXXXXXXXXXXXXXXXXX Augmentative-alternative communication screening report, dated August 11, 2009;
  - b. Augmentative communication report review, dated January 10, 2010;
  - c. IEP, dated May 10, 2011;
  - d. Occupational therapist report, dated April 18, 2012;
  - e. Physical therapist report and proposed changes, dated April 17, 2012;
  - f. Speech/Language pathologist report and proposed changes, dated April 18, 2012;
  - g. Occupational therapy report and proposed changes, dated April 23, 2012;
  - h. Notice of provision of documents, dated April 24, 2012;
  - i. Teacher progress update report and proposed changes prepared for the May 2, 2012 IEP team meeting;
  - j. IEP, dated May 2, 2012;
  - k. Receipt of parental rights, dated May 2, 2012;
  - l. Notice of consent for assessment, dated May 2, 2012;
  - m. Prior written notice document, dated May 4, 2012;
  - n. Electronic mail correspondence (email) from the parent to school staff, dated May 8, 2012;
  - o. Email correspondence from the parent to school staff, dated May 9, 2012;
  - p. IEP team meeting(parental) addendum record, dated May 9, 2012;
  - q. Email from school staff to the parents, dated May 11, 2012;
  - r. Response email from the parents to school staff, dated May 11, 2012;
  - s. Email from the parents to school staff, dated May 15, 2012;
  - t. Email from the parents to school staff, dated May 23, 2012;
  - u. Email from the complainant to school staff, dated June 7, 2012;
  - v. Email from the parents to school staff, dated June 8, 2012;
  - w. Email from the parents to school staff, dated June 11, 2012;
  - x. Email from complainant to school staff, dated June 11, 2012;
  - y. Email from school staff to the parents, dated June 11, 2012;
  - z. Prior written notice document, dated July 5, 2012;
  - aa. IEP team meeting sign-in sheet, dated July 5, 2012;
  - bb. Notice of consent for assessment, dated July 5, 2012;
  - cc. Draft IEP, dated September 17, 2012;
  - dd. IEP team meeting sign-in sheet, dated September 19, 2012;
  - ee. Notice of provision of documents, dated September 27, 2012;
  - ff. IEP team meeting sign-in sheet, dated October 4, 2012;
  - gg. Correspondence and attachments from the complainant to MSDE, received on October 11, 2012;
  - hh. Email from the complainant to the BCPS staff, dated November 7, 2012;
  - ii. Email correspondence between BCPS staff and parents' attorney, dated November 19, 2012; and
  - jj. IEP team meeting notice, dated November 29, 2012.

## **BACKGROUND:**

The student is five (5) years old and is identified as a student with Autism under the IDEA. The student attends XXXXXXXXXXXXXXXXXXXX (XXXXXXXXXX), a public separate special education school, where he receives special education and related services. During the period of time addressed by this investigation, the student's parents were provided with notice of the procedural safeguards (Docs. c, h, j – m, p, z, aa – gg, and jj).

## **FINDINGS OF FACTS:**

October 11, 2011 to May 2, 2012

1. The IEP in effect in October 2011 was developed at an IEP team meeting on May 10, 2011, while the student was participating in a pre-kindergarten (pre-k) program. At the meeting, the team considered information from teachers and related services providers that the student has severe receptive, expressive, and pragmatic language deficits that result in difficulty communicating the identity of people, including those who are familiar to him, as well as difficulty with verbalizations, labeling vocabulary, and making and responding to requests (Docs. a - c).
2. Based on this information, the IEP team developed speech/language goals to assist the student with increasing his receptive, expressive, and pragmatic language skills with the use of multi-modal communication, including verbalizations, signs, gestures, and pictures, using a Picture Exchange Communication System (PECS) and a static voice output communication device. The goals indicate that the student will demonstrate comprehension of familiar people through the use of gestures, such as pointing, that he will request desired items, respond to greetings, and provide his name upon request through the use of multi-modal communication<sup>1</sup> (Doc. c).
3. The IEP requires that the student be provided with special education instruction and speech/language therapy to assist him in achieving the goals. It further requires that the student be provided supports on a daily basis, in class, such as modified assignments with simplified sentence structure, graphics, and pictures when reading passages. While the IEP includes a statement that the student does not require assistive technology (AT) devices or services, it does require that the student be provided with access to communication tools and devices, including a voice-output communication device, picture cues and icons, verbal, gestural and physical prompts and modeling in order to communicate with peers and staff throughout the school day (Doc. c).
4. Five (5) days prior to the May 10, 2011 IEP team meeting the student's parents were provided with documentation including the proposed changes to the IEP (Doc. c).

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<sup>1</sup> Multi-modal communication consists of all types of communication or enhanced communications used by individuals, including gestures, sign language, PECS, and voice output communication devices (Docs. IEP and [www.asha.org](http://www.asha.org) (The American Speech-Language-Hearing Association) ).

5. Progress reports from November 2011, January 2012, and March 2012, indicate that the student was making sufficient progress towards achieving the speech/language goals with the use of a static voice output communication device (Doc. c).
6. There is documentation that school staff provided the parents with reports from the student's teacher and related service providers, including the proposed changes to the IEP at least five (5) days prior to the May 2, 2012 IEP meeting. However, there is no documentation in the student's educational record indicating that a draft IEP was developed prior to the meeting (Doc. h and review of the educational record).
7. On May 2, 2012, the IEP team convened to conduct a reevaluation. At the meeting, the team reviewed reports from the speech/language pathologist documenting that the student achieved all five (5) of the speech/language goals. The speech/language pathologist reported that the student made "significant gains in the area of communication" since the start of the 2011-2012 school year, but that he continues to have communication needs that impact his access to the general curriculum and his interactions with peers (Doc. j).
8. At the meeting, the parents expressed concern that the student has access to a voice output communication device while working with the speech/language pathologist at school, but does not have access to the device at home. The parents indicated that, as a result, the goal for the student to make verbalizations must be limited to the classroom. The parents requested that an AT assessment be conducted to determine whether there is a device that can be used outside of the classroom as well (Doc. j).
9. Documentation of the meeting indicates that the parents also requested additional educational assessments be conducted. However, the team rejected the request because there was sufficient data, including work samples, reports of progress, and parental input, to identify the student's needs. Documentation indicates that the parents agreed with the determination not to complete additional educational assessments (Docs. j and m).
10. The team revised the speech/language goals consistent with the reports of his progress and decided that the goals to improve pragmatic language skills would be embedded in the academic goals. The team also determined that the student would continue to be provided with speech/language therapy and with the use of a static voice output communication device and a PECS (Doc. j).
11. The IEP states that the total time that the student will be in school each week is thirty-three (33) hours and twenty (20) minutes. However, it requires the student to be provided with thirty three (33) hours and twenty (20) minutes of special education instruction per week and three (3) hours and thirty (30) minutes of related services per week, totaling thirty-six (36) hours and fifty (50) minutes of special education instruction and related services per week. The IEP states the frequency and duration of educational services to be provided and indicates that all services are to be provided in a public separate special education school (Doc. j).

12. At the May 2, 2012, the IEP meeting, the team considered whether the IEP could be implemented in the general education classroom with support, a combination of general and special education classrooms, separate special education classroom, or a separate special education school. The team decided that a public separate special education school continues to be the least restrictive environment (LRE) in which the IEP can be implemented and, therefore, the student would continue to attend XXXXXXXXXXXX (Doc. j).
13. At the meeting, the parents expressed concern that the kindergarten program the student would attend at the school, during the 2012-2013 school year, does not provide the support of a speech/language pathologist throughout the school day limiting the services available to assist the student with addressing his severe language deficits. As a result, the parents requested that the student remain placed in the pre-k program at the school. There is no documentation that the team considered the parents concerns when making the placement decision (Docs. j, r, t, and review of the educational record).
14. Documentation of the meeting reflects that the IEP team determined that the student would pursue a Maryland High School of Certificate of Program Completion. However, at this time, the team deferred making a decision regarding the specific assessment to be implemented as part of the Maryland State Assessment (MSA) Program (Doc. j).

#### May 2012 to the Present

15. There is documentation in the student's educational record, dated May 4, 2012, indicating that the student's parents were provided with written notice of the team's decision not to conduct additional assessments, as well as a copy of the draft IEP (Doc. m).
16. On May 9, 2012, the student's father sent a request to school staff that specific information be inserted into the IEP document. At the parents request, the school system amended the documentation of the May 2, 2012 IEP team meeting to reflect that the parent had concerns including, the student moving from the pre-k program to the kindergarten program, the use of a communication device in school that he could not access at home, and information about conducting specific assessments in addition to the AT assessment recommended at the meeting (Docs. o - r).
17. On May 11, 2012, school staff notified the parents that the record had been amended in response to their request (Doc. q).
18. On May 14, 2012, the student's parents were provided with a copy of the revised draft of the IEP (Docs.).
19. On May 15, 2012, the student's father requested that the statement that the "parents agreed with the team's decisions" be removed from the IEP documents (Doc. s).

20. On June 7 and 11, 2012, the complainant contacted the school staff on behalf of the student's parents and requested that the assessments be conducted that were previously requested at the May 2, 2012 meeting (Docs. u and x).
21. On June 8, 2012, the student's mother sent a correspondence to the school staff asking for a correction to the student's birth date on the IEP document (Doc. v).
22. On July 5, 2012, the IEP team convened to determine the additional assessment data to be obtained. At the meeting, the team agreed that educational, psychological and occupational therapy assessments would be conducted using specific assessments tools requested by the parents. On the same day, the student's father provided consent for the assessments to be conducted (Docs. z - cc).
23. There is documentation that on September 19, 2012 and October 4, 2012, the IEP team considered the results of the assessments, but the IEP team has not completed its review of the IEP based on the assessment data. Another IEP team meeting is scheduled for December 13, 2012 (Docs. dd – gg and jj).
24. A review of the draft IEP, dated September 17, 2012, documents that the student's date of birth has been revised and the statement indicating that the parents agreed with the team's decision has been removed from the IEP. There is documentation that the parents have been provided with a copy of the draft IEP (Docs. cc and hh).
25. There is no documentation of a request for access to the student's educational record following the May 2, 2012 meeting and the school staff report that they did not receive such a request (review of the educational record and interview with school staff).

### **DISCUSSION/CONCLUSIONS:**

Allegation #1:                      Addressing the Assistive Technology and Communication Needs since October 2011

In order to provide a student with a disability a Free Appropriate Public Education (FAPE), the public agency must ensure the student is provided with an IEP that addresses all of the needs that arise from the disability. In order to identify those needs, the public agency must consider all functional, developmental, and academic information about the student (34 CFR §300.324). If the team decides that additional data is required, the public agency must ensure that the necessary assessment data is obtained and that the assessment results are considered by the team in reviewing, and as appropriate, revising the IEP within ninety (90) days of the date the team decides that the additional data is required (COMAR 13A.05.01.06E).

An IEP must include annual goals to improve skills in the areas of need arising from the disability, identified from information about the student's present levels of academic achievement and functional performance. It must also include a statement of the special education instruction and related services necessary to assist the student in achieving those goals (34 CFR §300.320).

When reviewing and revising an IEP, the team must also consider whether assistive technology devices and services are needed in order to increase, maintain, or improve the student's functional capabilities. An assistive technology device means any item, piece of equipment or product that is used to increase, maintain, or improve the functional capabilities of a child with a disability (34 CFR §§300.5 and .324).

The IEP must be written clearly with respect to the special education and related services to be provided so that the level of the public agency's commitment of resources will be clear to all involved in the development and implementation of the IEP (34 CFR §300.320 and *Comments and Changes, Federal Register*, Vol. 71, No. 156, p.46667, August 14, 2006).

In this case, the complainant alleges that the IEP does not provide for the use of AT devices to assist the student with improving his communication despite his significant needs in this area. Based on the Findings of Facts #1 - #3 and #8 - #10, the MSDE finds that, because the IEP requires the provision of specific devices to increase the student's functional capabilities, the documentation does not support the allegation. However, based on the Finding of Fact #3, the MSDE finds that the IEP includes inconsistent information about whether the student requires AT devices, and therefore, is not written clearly.

Further, based on the Findings of Facts #1 - #14, the MSDE finds that the IEP has included goals and services to address the student's communication needs consistent with the evaluation data. However, based on the Findings of Facts #9 and #22, the MSDE finds that the BCPS has not completed the reevaluation within the required timelines and as a result, ensured that the IEP team has considered assessment data needed to ensure that the student is provided with appropriate AT devices to meet his communication needs within required timelines. Therefore, the MSDE finds that violations occurred with respect to the allegation.

Allegation #2:                      Response to Parents' Request for Assessments

The public agency is not required to conduct formal assessment as part of a reevaluation unless requested to do so by the student's parents, and must inform the parents of the right to make such a request. As stated above, when conducting a reevaluation, the public agency must ensure that assessments are conducted, and the results are considered by the IEP team within ninety (90) days of the date the team determines that assessments are required (34 CFR §§ 300.304, and .305 and COMAR 13A.05.01.04 - .06).

Based on the Findings of Facts #8 and #9, the MSDE finds that the BCPS did not ensure that assessments were conducted in response to the parents' request during a reevaluation conducted on May 2, 2012. Based on the Findings of Facts #22 and 23, the MSDE also finds that the BCPS has not ensured that the IEP team has considered results of assessments requested on July 5, 2012. Therefore, the MSDE finds that violations have occurred with respect to the allegation.



Allegation #3:                      Provision of Prior Written Notice

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 FAPE to the student. This notice includes a description of the action proposed or refused and the basis for the decision (34 CFR §300.503).

In this case, the complainant alleges that the IEP team did not provide the basis for the team's decision to reject the parents request for additional assessments on May 2, 2012. Based on the Findings of Facts #9 and #15, the MSDE finds that the written notice of the determinations made at the May 2, 2012 IEP team meeting includes the basis for the decision to reject the parents' request for additional assessments. Therefore, the MSDE does not find that a violation occurred with regard to this aspect of the allegation.

In this case, the complainant also alleges that the IEP team decided that the student would participate in the Alternate Maryland School Assessment of the MSA Program and that he would pursue a Maryland High School Diploma, but did not accurately document these decisions. Therefore, the complainant asserts that the parents were not provided with prior written notice of the determinations.

Based on the Finding of Fact #14, the MSDE finds that there is no documentation to support the allegation that the team made these determinations. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

**ADDITIONAL ISSUE:**

Students in Maryland public schools may pursue either a Maryland High School Diploma or a Maryland High School Certificate of Program Completion. The Maryland High School Diploma requires that the student complete the enrollment, credit, and service requirements and take the Maryland High School Assessments or the department approved comparable assessments. The Maryland High School Certificate of Program Completion is awarded only to students with disabilities who cannot meet the requirements for a diploma (COMAR 13A.03.02.08 and .09).

Student pursuing a Maryland High School Certificate of Program Completion must be enrolled in an education program for at least four (4) years beyond eighth grade or its age equivalent and must have developed appropriate skills as determined by an IEP team, with the agreement of the parents, for the individual to enter the world of work, act responsibly as a citizen, and enjoy a fulfilling life. The decision concerning which program a student will pursue may not be made until the student's last year in high school unless the student participates in the Alt-MSA (COMAR 13A.03.02.08 and .09).

Based on the Findings of Facts #1 and #14, the MSDE finds that, while the IEP states that the student will pursue a Maryland High School Certificate of Program Completion, there is no documentation that the student meets the criteria to pursue a Maryland High School Certificate of Program Completion. Therefore, the MSDE finds that the team did not follow proper



Allegation #5:            IEP Content

As stated above, the IEP must be written in a manner that is clear to all who are involved in the development and implementation of the IEP in order to ensure that the student is provided with special education instruction and related services consistent with the IEP team's decisions. Therefore, the statement of the required services must indicate the frequency, location, and duration of those services (34 CFR § 300.320(a)(7)).

Based on the Finding of Fact #11, the MSDE finds that the IEP states the amount of services and the frequency, location, and durations of the services, but it is not written clearly with respect to the how the amount of services will be provided within the time available for the provision of services during the school week. Therefore, the MSDE finds that a violation has occurred.

Allegation #6:            Response to Requests for Amendment of the Educational Record

A parent who believes that information in the student's educational record is inaccurate or misleading or violates the privacy or other rights of the student 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 to challenge the information (34 CFR §§300.618 and .619).

Based on the Findings of Facts #16 - #19, #21, #23, and #24, the MSDE finds there is documentation that the IEP was revised to correct the student's date of birth and to remove the statement that the parents were in agreement with the team's decisions. Therefore, the MSDE does not find that a violation occurred with regard to this allegation.

Allegation #7:            Provision of Access to the Student's Educational Record

The IDEA incorporates the requirements of The Family Educational Rights and Privacy Act (FERPA), which requires public agencies to permit parents to inspect and review any educational records relating to their children that are collected, maintained, or used by the public agency. The public agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any due process hearing or resolution meeting, and in no case more than forty-five (45) days after the request has been made (34 CFR §99.10). The IDEA parallels this requirement at 34 CFR §300.613.

The public agency must ensure that the parent is provided with each assessment, report, data chart, draft IEP, or other document the IEP team plans to discuss at that meeting, at least five (5) business days before the scheduled meeting and the completed IEP not later than five (5) business days after a scheduled IEP or other multidisciplinary team meeting (Md. Code, Ann., Educ. §8-405(d) (2010) and COMAR 13A.05.01.07).

In this case, the complainant alleges that the student's parents were denied access to the educational record because they were not provided with a proposed IEP at least five (5) days prior to the May 2, 2012, IEP team meeting that contained information about the decisions made by the team on that date. Further, they allege that they were not provided with a completed IEP at least five (5) days after the meeting.

Based on the Finding of Fact #25, the MSDE finds that there is no documentation of a request to access the record. Therefore, procedures for responding to a request to access the student's record do not apply. Further, based on the Findings of Facts #4 and #6, the MSDE finds the BCPS provided the parents with written notice of the decision being proposed by school staff and could not have provided them with an IEP that included decisions that were made at the meeting.

Based on the Finding of Fact #23, the MSDE finds that a review of the IEP based on the assessment data has not yet been completed. Therefore, the BCPS could not provide the parents with a completed IEP. Based on the Findings of Facts #15 and #24, the MSDE finds that the BCPS has provided the parents with a draft IEP. Therefore, the MSDE does not find that a violation occurred with regard to this allegation.

### **CORRECTIVE ACTIONS/TIMELINES:**

#### **Student-Specific**

The MSDE requires the BCPS to provide documentation by February 1, 2013, that the IEP team has completed the following corrective actions listed below.

- Review and revise the IEP consistent with the results of the assessments;
- Ensure that the IEP is written clearly with respect to the student's need for AT devices and services;
- Follow proper procedures to determine the State and district-wide assessments the student will participate in and whether he will pursue a High School Diploma or a High School Certificate of Program Completion;
- Ensure that the IEP is written clearly with respect to the amount of special education services to be provided and how they can be provided within the length of time of the school's work week; and
- Consider the parents' concerns regarding the placement of the student in the kindergarten program at XXXXXXXXXX and revise the education placement, if appropriate.

If the IEP is revised based on the assessment data, the team must determine the amount of compensatory services to be provided for the delay in considering the data. The team must determine whether remaining violations related to the review and revision of the IEP had a negative impact on the student ability to benefit from his educational program and if so, determine the amount of compensatory services or other agreed upon remedy to redress the violations identified in this Letter of Findings.

The BCPS must provide the student's parents with proper written notice of the determinations made at the IEP team meeting, as required by 34 CFR §300.503, including a written explanation of the basis for the determinations. If the student's parents disagree with the IEP team's

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determinations, the parents maintain the right to request mediation or file a due process complaint, in accordance with the IDEA.

### **School-Based**

The MSDE requires the BCPS to provide documentation by March 1, 2013, of the steps taken to determine if the violation identified in the Letter of Findings is unique to this case or if it represents a pattern of noncompliance at XXXXXXXXXX.

Specifically, the school system is required to conduct a review of student records, data, or other relevant information to determine if the regulatory requirements are being implemented and must provide documentation of the results of this review to the MSDE. If the school system reports compliance with the requirements, the MSDE staff will verify compliance with the determinations found in the initial report.

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 initial date that the school system determines non-compliance.

Upon receipt of this report, the MSDE will re-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, Accounting 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, Complaint Investigation/Due Process Branch, Division of Special Education/Early Intervention Services, MSDE.

### **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 student's parents 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 MSDE will determine if a reconsideration of the conclusions is necessary.

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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 student's parents 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 the 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

MEF/km

cc :   XXXXXXXXX  
      XXXXXXXXX  
      Andrés Alonso  
      Charles Brooks  
      Nancy Ruley  
      XXXXXXXXX  
      Dori Wilson  
      Anita Mandis  
      Martha J. Arthur  
      Koliwe Moyo