

November 02, 2020

Ms. Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Maryland State Department of Education
Division of Special Education/Early Intervention Services
200 West Baltimore Street
Baltimore, Maryland 21201

Re: Placement

Dear Ms. Franczkowski:

I am in receipt of your letter dated September 10, 2020 (the Letter) in which you asserted that the Maryland State Department of Education (the “State Educational Agency” or the “SEA”) completed a State Complaint investigation. In the Letter, for one of the allegation you stated the following:

“Therefore, the MSDE is required to, find that a violation occurred with respect to the allegation.”

Please note that the Individuals with Disabilities Education Act (IDEA or the “Act”), its implementing regulations at 34 C.F.R. §300 (the Regulations) and related Code of Maryland Regulations (COMAR) requires that the requirement you referred above must be applied for all violations. I understand that you were trying hard not to “find” the violations and wasn't completely successful.

If you are not completely satisfied in your current placement as Assistant State Superintendent in charge of Division of Special Education/Early Intervention Services at the SEA, I suggest that you contact your supervisor to discuss alternate placements. I do not have authority to make placement decisions for you. By copy of this letter, I am requesting the SEA to notify you of your right to request an alternate placement.

I believe that appropriate placement of the SEA officials is essential to ensure that children with disabilities in Maryland receive Free Appropriate Public Education (FAPE).

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I also would like to remind you that federal regulations prohibit public entities and recipients of Federal Financial Assistance (FFA) from taking actions, towards students and their families with different treatments, because they asserted the students' right to receive FAPE in Maryland, asserted the students' right to not being discriminated based on their disability in Maryland; and/or identified and/or reported SEA's failure to ensure FAPE for children with disabilities in Maryland.

I request you not to cover up the violations which were found during State Complaint investigations, regardless of how you document it and request you to fully cooperate with all children with disabilities in Maryland for their education as children with disabilities.

Sincerely,

A black rectangular box redacting the signature of Hameed Jamarussadiq.

Hameed Jamarussadiq

c: Laurie VanderPloeg
Gregg Corr
Christine Pilgrim
Gbenimah Slopadoe
Karen B. Salmon
Carol A. Williamson
Trinell Bowman