



Mohammed Choudhury
State Superintendent of Schools

July 11, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Ms. Allison Myers
Executive Director
Baltimore County Public Schools
Jefferson Building
105 W Chesapeake Avenue
4th Floor
Towson, MD 21204

RE: [REDACTED]
Reference: #22-150

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education 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 May 12, 2022, the MSDE received a complaint from Mr. [REDACTED], hereafter, “the complainant,” on behalf of his son the above-referenced student. In that correspondence, the complainant alleged that the Baltimore County 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 student has been consistently provided with, adult support, deletion of extraneous information, assignments broken down into smaller units, the use of pictures to support reading passages and chunking of texts, as required by the Individualized Education Program (IEP) since November 10, 2021, in accordance with 34 CFR §§300.101 and .323.

2. The BCPS has not ensured that the IEP team has addressed the parent's concerns regarding the student's behavior and attendance since November 2021, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is sixteen (16) years old and is identified as a student with an Emotional Disability under the IDEA. He attends ██████████ School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student's IEP in effect on November 10, 2021, requires that the student be provided with daily deletion of extraneous information on assignments and assessments, when possible, as needed, daily breaking down of assignments into smaller units as needed, daily use of picture to support reading passages when possible, as needed, and daily chunking of text as needed.
2. On January 13, 2022, the IEP team convened for the student to review and revise, as appropriate, the IEP and discuss the student's lack of expected progress. The IEP team discussed the student's lack of progress in his behavior goals. The Complainant indicated the student was hospitalized for "wanting to harm himself." The IEP team discussed "congruent counseling"; however, the student was resistant to counseling services. The school social worker indicated a modified reward system with weekly incentives was being used in the home.
3. There is documentation that the BCPS social worker communicated with the complainant regarding the student's behavior and need for private family counseling.
4. On May 11, 2022, the IEP team convened for the student to review and revise, as appropriate, the student's IEP. During the IEP team meeting, the complainant expressed concerns about the student's ability to transition between classes, provision of accommodations in general education classes, and the student's large class sizes. Additionally, the complainant requested "pull out services" in all the student's failing classes. The IEP team responded that all the student's core content instruction occurs "outside the general education environment." The student's Spanish teacher noted that she was able to work independently with the student when he "is present in the classroom." and that the student was able to utilize the supplementary aids and accommodations in his IEP.
5. During the May 21, 2022, IEP team meeting, the team reviewed the student's attendance record indicating the student has missed "a significant amount of school." The complainant indicated he does not force the student to virtually attend school if he does not get up. The BCPS staff noted the student "can be heard in the background" of

the virtual classroom “demonstrating that he is not participating in class.” The IEP team discussed the negative impact of the student’s absences on his academic progress

6. During the May 11, 2022, IEP team meeting the IEP team also discussed the student’s need for “Additional Adult Support following the student around the building all day.” The IEP team recommended that the BCPS staff would continue to check in with the student and his teachers for assistance with assignments, but that the additional adult support was no longer needed for the student.
7. On June 8, 2022, the IEP team met to discuss the concerns raised in the MSDE complaint. Based on the IEP team review of the allegations, the BCPS awarded the student with compensatory educational services in reading and written language.
8. There is documentation that the student was provided with the supplementary aides and supports required by his IEP on assignments during the second and third quarters of the 2021-2022 school year. However, there is no documentation that the student was provided with deletion of extraneous information, assignments broken down into smaller units, the use of pictures to support reading passages or chunking of texts from November 10, 2021, to February 11, 2022.
9. There is no documentation that the student was provided with adult support from November 10, 2021, to May 10, 2022.

CONCLUSIONS:

Allegation #1: IEP Implementation

Based on Findings of Facts #1, #6, #8, and #9, the MSDE finds that the BCPS has not ensured that the student has been consistently provided with, adult support, deletion of extraneous information, assignments broken down into smaller units, the use of pictures to support reading passages and chunking of texts, as required by the IEP since November 10, 2021, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this allegation.

Notwithstanding the violation, based on Findings of Fact #7, the MSDE finds that the IEP team convened and awarded the student with compensatory educational services in reading and written language to address this violation. Therefore, no further student-specific corrective action is required.

Allegation #2: Consideration of the Parent’s Concerns

Based on Findings of Facts #2 - #5, the MSDE finds that the BCPS has ensured that the IEP team has addressed the parent’s concerns regarding the student’s behavior and attendance since

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November 2021, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that non-compliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at Diane.Eisenstadt@maryland.gov.

The MSDE requires the BCPS to provide documentation of the steps taken to ensure that the staff at ██████████ School properly execute the requirements of the IDEA related to IEP implementation. Please note that any documentation that is submitted relating to a future plan of action must be supplemented with documentation that demonstrates that the plan has been implemented and monitored, prior to the closing of the case.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

² The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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documentation was not made available during the investigation. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

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 Free Appropriate Public Education (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 a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Early Intervention/Special Education Services

MEF/tg

c: Conya Bailey
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