



Mohammed Choudhury
State Superintendent of Schools

March 20, 2023



Ms. Allison Myers
Executive Director
Special Education Services
Baltimore County Public Schools
105 W Chesapeake Ave,
Towson, Maryland 21204

RE: [REDACTED]
Reference: #23-127

Dear Parties:

Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 November 18, 2022, MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of 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. MSDE investigated the following:

1. BCPS has not provided the complainant with quarterly reports on progress toward achieving annual Individualized Education Program (IEP) goals during the 2022-2023 school year, in accordance with 34 CFR §§300.320 and .323.
2. BCPS has not ensured that the student was provided with the testing accommodations and counseling services required by the Individualized Education Program (IEP) during the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is eleven years old and attends [REDACTED] School. He is identified as a student with Other Health Impairment under the IDEA 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 August 29, 2022, was developed on April 21, 2022. The areas affected by the disability are Social/Emotional/Behavioral, and Reading. The student's IEP requires that he receive one 30-minute counseling session per week. The IEP reflects that progress reports towards achieving annual IEP goals will be issued quarterly. The IEP reflects that the student receives accommodations and supports, such as extended time.
2. The 2022-2023 school year counseling logs reflects the student was seen on:
 - September 08, 2022 for 30 minutes
 - September 12, 2022 for 40 minutes
 - October 06, 2022 for 30 minutes
 - October 20, 2022 for 30 minutes
 - January 12, 2023 for 35 minutes
 - January 18, 2023 for 35 minutes
 - January 27, 2023 for 35 minutes
 - February 03, 2023 for 35 minutes
 - February 09, 2023 for 35 minutes
3. The student's IEP reflects progress regarding IEP goals was recorded on November 4, 2023 for the first quarter and on January 17, 2023 for the second quarter of the 2022-2023 school year.
4. While there is documentation that the student has received some of the accommodations required by his IEP, including the use of hall passes created for the purpose of allowing the student to test in a small environment where accommodations could be provided, there is no documentation that the student has been consistently provided with each accommodation required by his IEP.
5. There is documentation that the first quarter progress report was mailed on November 23, 2022, and January 23, 2023. The address that the IEP progress report was sent to for the first quarter was not the address that is on file with the BCPS. BCPS is unable to confirm that the first quarter IEP progress reports were returned to the school and provided to the parent.

DISCUSSION/CONCLUSIONS:

Allegation #1

Provision of progress report

Based on the Finding of Facts of #1 and #5, the complainant was not provided with quarterly IEP progress reports as required by the IEP, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation occurred with respect to this component of the allegation.

Allegation #2

Provision of Accommodations and Counseling Sessions

Based on the Finding of Facts of # 1-2 and #4, the BCPS has not ensured that the student was provided with counseling sessions and accommodations as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this component of the 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance 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 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.

Student-Specific

MSDE requires the BCPS to provide documentation by June 1, 2023, that the BCPS has taken the following actions:

- a. Ensure that the complainant is provided with IEP progress reports for the first and second quarter of the 2022-2023 school year;
- b. Ensure that the student is being provided with counseling services and all accommodations as required by the IEP; and
- c. Convened an IEP team meeting and determined the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

School-Based

MSDE requires the BCPS to provide documentation by June 1, 2023, of the steps taken to ensure that the violation does not reoccur at [REDACTED] School, including professional development relating to ensuring accuracy of student information and implementation of related services, and a monitoring plan to ensure families receive information as required and student's receive services as required. The monitoring

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, 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 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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must reflect the implementation of IEP services and support for a randomly selected set of students at ██████████
██████████ School over at least two reporting periods.

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 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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMC: ra

c: Darryl Williams
Charlene Harris
Conya Bailey
Jason Miller
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Gerald Loiacono
Diane Eisenstadt
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