



Carey M. Wright, Ed.D.  
Interim State Superintendent of Schools

November 17, 2023



Ms. Allison Myers  
Executive Director, Department of Special Education  
Baltimore County Public Schools  
Jefferson Building, 4th Floor  
105 W Chesapeake Avenue  
Towson, Maryland 21204

RE: [REDACTED]  
Reference: #24-036

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 October 3, 2023, MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of her son. In that correspondence, the complainant alleged that the Baltimore County Public Schools violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The BCPS has not ensured that the Individualized Education Program (IEP) team reviewed and revised, as appropriate, the student’s IEP to address the student’s behavior needs and the lack of expected progress toward achieving the IEP goals since October 2022, in accordance with 34 CFR §300.324.
2. The BCPS has not ensured that the IEP team addressed parental concerns since October 2022, in accordance with 34 CFR §300.324.
3. The BCPS did not follow proper procedures when the IEP team determined the placement in which the student would receive special education instruction during the 2023-2024 school year, in accordance with 34 CFR §§300.114 and .116.

4. The BCPS has not ensured that the student has been consistently provided with special education instruction and supports as required by the IEP, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is 13 years old and is identified as a student with Autism under the IDEA. He currently attends [REDACTED] School. During the 2022-2023 school year, the student attended [REDACTED] School. The student has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

**ALLEGATION #1, #3, and #4: REVIEW AND REVISE IEP TO ADDRESS THE STUDENT'S NEEDS PROPER PROCEDURES WHEN DETERMINING PLACEMENT PROVISION OF SPECIAL EDUCATION INSTRUCTION, SUPPORTS, AND RELATED SERVICES**

1. The IEP in place on October 2, 2022, was developed at an IEP team meeting on May 24, 2022. The IEP identified areas of need for the student in Reading Phonics, Math Problem Solving, Math Calculation, Reading Comprehension, Reading Phonemic Awareness, Reading Fluency, and Behavior.
2. The student's behavioral needs identified in May 2022 were related to aggressive and physical behavior when upset. It was documented that when the student was easily frustrated it could lead to an escalation of behaviors such as elopement in and out of the classroom, property destruction, verbal outbursts, hiding or sliding on the floor, work refusal, and self-injurious behaviors. These behavioral outbursts typically required additional adults to manage the student's behavior and get him into a safe location. When the student escalated, he would ignore any verbal demands and became more upset. At that time, the student had multiple behavioral episodes resulting in office referrals and calls home:
  - 12/6: out-of-class elopement, self-injurious behavior (headbanging into the locker)
  - 12/6: attempted out-of-class elopement, work refusal, crawling into cubbies, sliding on the floor.
  - 12/8: out-of-class elopement, eloping from adults in the hallway, sliding on the hallway floor, property destruction, self-injurious behavior.
  - 12/8: in-class elopement, work refusal.
  - 12/9: out-of-class elopement, refusal to comply during a fire drill, attempting to walk away from a teacher outside, attempting to leave the school building.
  - 12/15: out-of-class elopement, physical aggression (shoving), eloping from the teacher in the hallway.
  - 12/15: in-class elopement, property destruction (kicking tables and chairs, knocking over chairs) screaming, out-of-class elopement, grabbing items away from the teacher (resulting in room clear-out).

The IEP reflected that the student's Functional Behavior Assessment and Behavior Intervention Plan were both developed in 2018. The behaviors addressed in the Behavior Intervention Plan include non-compliance and elopement.

3. The student's May 2022 IEP included goals designed to address the student's needs in the following areas: phonemic awareness, phonics, reading comprehension, math problem solving, behavior self-regulation, math calculations, written mechanics, reading fluency, spelling, executive functioning, and behavioral - task related.
4. The May 2022 IEP required that the student be provided with accommodations, supplementary aids, and supports including "adult assistance throughout the day to help focus and complete assignments, assist with his BIP implications and acts as his human reader and scribe for all subject areas" and an occupational therapy consult twice per month.
5. The IEP provided the following special education services:
  - Five thirty-minute sessions weekly with a special educator or instructional assistant outside of the general education setting for two hours and thirty minutes of instruction to address needs in basic reading and writing skills, specifically in the area of phonics.
  - Five thirty-minute sessions weekly with a special educator or instructional assistant outside of the general education setting outside general education from March 1, 2022, to February 1, 2023, for two hours and thirty minutes of instruction to address needs in basic mathematical skills.
  - Five thirty-minute sessions weekly with the general education teacher, a special educator, or instructional assistant inside the general education setting for two hours and thirty minutes of instruction in reading and writing during English Language Arts provided through additional small group instruction and/or delivery of supplementary aids and accommodations.
  - Five thirty-minute sessions weekly with the general education teacher, a special educator, or instructional assistant inside the general education setting from March 22, 2022, to February 1, 2023, totaling two hours and thirty minutes of instructional support in reading and writing during math, science, and social studies which may be provided through additional small group instruction and/or delivery of supplementary aids and accommodations.
6. The IEP team determined that the student's placement would be at his neighborhood school where he would spend more than 80% of the school day inside the general education setting.
7. Progress reports completed for the student on November 4, 2022, indicated that the student was making progress in all areas except math problem-solving and math calculation.
8. On November 17, 2022, the IEP team at [REDACTED] School met to review and revise the student's IEP "per parent request." The prior written notice reflects that the complainant expressed to the team that she was concerned about the student's academics, and the family's advocate expressed the parent's concerns regarding how the student's academics were affecting his mental health. The IEP team did not directly address the parent's concerns but noted that the student's most recent IEP included additional time outside of the special education setting and that a BIP was in place for him.

9. The family requested that the student receive additional academic support in the areas of reading, writing, and mathematics because they felt that "...[the student] is not truly making progress with the IEP that is currently in place." The team discussed concerns regarding speech, and the team determined to submit a Speech/Language Referral. The IEP team determined that an additional social work referral would be submitted due to the concerns regarding the student's mental health. The student's math teacher expressed that the student did not make progress on his math goals during the quarter and that there were some concerns about the student's speech. In response to the parent's concerns related to the student's academics and social anxiety, the IEP team determined that additional data would be collected for the student "related to placement and consider whether the student required additional special education support from a different program." It was stated that the team would bring information regarding "...other placements available within BCPS" to the next meeting. The prior written notice reflects that "current progress notes and informal observations, as well as parent concerns, were used as a basis to move forward with completing a social work referral and the speech-language referral." No changes were made to the student's IEP at this time.
10. On December 15, 2022, the IEP team at [REDACTED] School met to review and revise the student's IEP. The prior written notice from this meeting reflects that the student's parents requested the meeting to discuss concerns regarding the student's lack of progress in his academic areas. The prior written notice notes that "the school-based team at [REDACTED] collected academic data in the area of reading and mathematics. Based on the academic data, the team proposed to increase [the student's] academic services[.]" The team determined that the student's services would be increased to "30 minutes inside general education and 60 minutes outside general education for English Language Arts." The student's parents expressed concerns that the student was making limited progress in the areas of English and math, that he had made limited progress on his IEP goals, and that they did not feel that the student's attendance and behavior concerns were relevant to his limited progress. At this meeting, the complainant also requested that the team consider a different educational placement for the student. No other changes were proposed or made by the school-based team, and no information regarding other placements was made available to the student's parents at this meeting.
11. The IEP developed at that meeting reflects that the student would receive five one-hour sessions weekly outside general education per week to address his needs in basic reading and writing skills, specifically in the area of phonics. As a result, the student's least restrictive environment was revised to reflect the increased time outside of the general education setting. While there was an increase in the student's outside general education services for basic reading and writing skills, there was no increase in the amount or nature of services provided to the student in the area of mathematics.
12. At the time of the December IEP team meeting, the student's grades reflected that he was "developing" in the areas of mathematics and library/media. He was "meeting" in the areas of science, social studies, music (vocal), music (instrumental), physical education, and art. The student was making "insufficient progress" in language arts. Although school staff reported that the student had no behavioral incidents during the 2022-2023 school year, the student's IEP dated December 15, 2022, reflects that the student had "...multiple behavioral episodes resulting in office referrals

and calls home” from “December 6th to December 15th”. The behaviors exhibited by the student included elopement (from class and staff/in class, in the hallway, and attempting to leave the school building), self-injurious behavior, work refusal, crawling around the classroom, property destruction, noncompliance (including during a fire drill), physical aggression, screaming, and causing a classroom to be “[cleared out]”.

13. Progress reports completed for the student on January 17, 2023, indicated that the student was not making sufficient progress toward his phonemic awareness, reading comprehension, written mechanics, spelling, and behavioral task-related. The progress reports also indicated that the student had made sufficient progress achieving his reading phonics, math problem solving, behavioral: self-regulation, math calculation, and reading fluency. The school staff did not report progress on the student’s executive functioning goal.
14. On January 19, 2023, the team reconvened to review and revise the student’s IEP, as appropriate, and conduct an annual review of his IEP. During the meeting, the family advocate requested a discussion regarding the difference between pursuing a high school diploma and pursuing a certificate of completion. In response, the IEP team, “ explained the difference of curriculum for students on a certificate track and the change in placement. It was decided that the team would return to this conversation at a later time after gathering additional information due to concerns about the opportunities that would be available to the student after graduation.”<sup>1</sup> The IEP team did not complete the review of the IEP and determined that they would reconvene on March 23, 2023.
15. At the time of the January meeting, the student’s grades reflected that he was making “insufficient progress” in language arts but was “developing” in the areas of math and science. There is no grade for social studies, library/media, music (vocal), music (instrumental), physical education, art, or Spanish for marking period 3. The IEP team did not explicitly address the student’s lack of expected progress toward some of his IEP goals.
16. On March 23, 2023, the IEP team met to complete the student’s annual review and to discuss extended school year services. According to the prior written notice, the school district considered providing the student’s services in a more restrictive setting as proposed by the family and the family advocate; however, this proposal was rejected “...as the team [did] not have data to support [the student] moving to a more restrictive environment.” The prior written notice states that the team used “informal assessments, informal observations, [classroom-based] assessments, and informal data collection procedures as a basis for the proposals.” The prior written notice further states, “Based on the information from the checklist as filled out [by] the parents and school staff, scores did not identify [the student] as a student who would benefit from an alternate placement outside of general education...the team feels the Least Restrictive Environment for [the student] is

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<sup>1</sup> While there is a prior written notice from this meeting, several sentences are incomplete with regard to items that were discussed and the family’s desire for the student to be placed in “...an intensive academic placement in the Baltimore County School.”

the general education setting with special education supports, receiving supports both in the general education classroom, in a small group setting, and a one on one setting for reading and mathematics.” The parents requested a separate written document that outlined the student’s academic progress in addition to having their disagreement with the student’s placement in general education documented in the prior written notice. The IEP team determined that the student would receive a social work consult to support the student’s mental health needs.

17. The IEP developed for the student on March 23, 2023, identified areas of need for the student in reading phonics, math problem solving, Math Calculation, Written Language Mechanics, reading comprehension, Reading Phonemic Awareness, Reading Fluency, and behavior. It continued to require that the student be provided with supplementary aids and supports, including daily adult support.
18. The student’s March 23, 2023, IEP includes new annual IEP goals in the areas of Phonemic Awareness, Reading: Reading: Phonics, reading: Comprehension, Math: Problem-Solving, Math: Calculation, Reading: Fluency, and Spelling. The IEP team determined that the student no longer required goals in behavior, written mechanics, and executive functioning.
19. The IEP team determined that the student would receive the following special education services:
  - Five one-hour sessions weekly with a special educator or instructional assistant outside of general education to address needs in basic reading and writing skills, specifically in the area of phonics.
  - Five thirty-minute sessions weekly with a special educator or instructional assistant outside of the general education setting to address needs in basic mathematical skills, specifically math calculations.
  - Five thirty-minute sessions weekly with the general education teacher, a special educator, or instructional assistant inside the general education setting reading and writing during English Language Arts provided through additional small group instruction and/or delivery of supplementary aids and accommodations.
  - Five thirty-minute sessions weekly with the general education teacher, a special educator, or instructional assistant inside the general education setting from January 19, 2023, to January 19, 2024, totaling two hours and thirty minutes of instructional support in reading and writing during math, science, and social studies which may be provided through additional small group instruction and/or delivery of supplementary aids and accommodations.
20. There was no further discussion of the student’s participation in the general education curriculum, or other placements for the student, as agreed at the prior IEP team meeting. The prior written notice from this meeting is also incoherent, as there are additional incomplete sentences that seem to reference other family concerns.

21. On April 25, 2023, the complainant sent an email to an administrator at [REDACTED] School asking if there had been an update on the student's next meeting. Additionally, the complainant expressed that "since [the] last meeting [there had been] several incidents at the school such as [the student] walking off the school property and back home..." The student ended the year with "meeting" scores in language arts, social studies, and art; and with "developing" scores in mathematics, science, library/media, music (vocal), music, physical education, and Spanish. The student's schedule for the 2022-2023 school year reflects that the student received "pullout" services for one hour per day and "push in" services for thirty minutes in language arts, in addition to thirty minutes of "pullout" services and thirty minutes of "push in" services per day for math. There is insufficient documentation reflecting that the student received the instructional modifications and accommodations as required by the May 24, 2022, December 15, 2022, and March 23, 2023, IEPs, including daily adult support in the form of a human reader and scribe.
22. The student began attending [REDACTED] School for the 2023-2024 school year. On September 5, 2023, the IEP team at [REDACTED] School met in response to a parent-requested emergency IEP meeting. The prior written notice from this meeting reflects that the team agreed to "...provide the student with adult support throughout the school day via an Adult Assistant due to his difficulty with academics, navigating the building, and communicating his own wants/needs; to add special transportation to the IEP due to [the student's] difficulty with navigating his community independently [as] he requires close adult supervision to get on and off the bus safely; and implement a home-school communication system to keep [the student's] parents aware of what his day looks like and what support he receives during each class." At this meeting, the student's parents again expressed their desire to have the student moved to a different school placement that could better support students with autism. The prior written notice reflects that "The IEP Chair explained that the Elementary School did not find sufficient data to support this change outplacement and [REDACTED] will continue to collect data and report on progress."
23. The IEP team determined that they would meet again halfway through the first quarter to monitor progress and revise the IEP as appropriate, and the meeting was adjourned. With the exception of increasing the student's time in general education from 25 hours per week to 26 hours and 15 minutes per week and decreasing the student's time outside general education from 7 hours and 37 minutes per week to 7 hours and 30 minutes per week, the student's IEP remained the same. At that time, the student was making sufficient progress to meet all of his IEP goals as listed in the March 23, 2023, IEP. His grades were listed as an "A" in Art, a "D" in Mathematics, an "A" in reading foundations, a "B" in Language Arts, a "C" in science, an "E" in Strings, and a "C" in World History. The student's schedule at [REDACTED] reflected that on September 8, 2023, the student had an adult assistant in all of his classes, in addition to being enrolled in a co-taught science class with a special education, and a world history class with a para educator.

24. On September 8, 2023, the IEP chair at [REDACTED] School sent an email to the complainant reflecting schedule changes for the student. Specifically, the IEP chair stated "...I was able to move him into the SEL Math and ELA classes. However, his reading class will need to change. He will now be in an outside-of-general education phonics intervention program, taught by a special educator. Most of his specials will remain the same. If you agree with this change, please let me know and we can start the new schedule on Monday."
25. On November 3, 2023, the IEP team at [REDACTED] School reconvened to "review and revise the IEP, plan for a reevaluation, and discuss parent concerns with placement/LRE." The prior written notice from this meeting reflects that the student's parents expressed concerns that [REDACTED] School is not the proper placement for him. The student's math teacher expressed that the student has been doing well in a smaller math class and is receiving substantial adult support. The student's world history teacher expressed that the student is making slow but steady progress in this class, and his "...aide sits with him and helps support him with reading and writing... [The student] does struggle with writing, but with accommodations and support, he was able to earn a B on his final project of the quarter."
26. During this meeting, the IEP team reviewed the student's progress on his IEP goals, and it was determined that the student was not making sufficient progress on his phonemic awareness, phonics, reading fluency, math calculation, and spelling goals. To this end, the team has requested assessments "...to better determine how to meet [the student's] needs and which goals may be more appropriate for him." The team also conducted reevaluation planning and "...discussed the new assessments and data required to consider a different placement for [the student] and develop a more appropriate IEP to meet his needs. The parents agreed to all assessments." The assessments proposed as part of the student's reevaluation were educational, psychological, Occupational, Audiological, Functional Behavior Assessment (FBA), Speech and Language, and Classroom Observation. The team also addressed the parent's concerns about student placement and explained the process for changing a student's placement and the steps that are being taken to expedite the process. It was relayed that the assessments will guide the decision for placement. Additionally, the team proposed to make the following revisions to the student's IEP:
- Update progress reports with new informal data;
  - Add updated parent input in the student's present level of academic achievement and functional progress;
  - Add updated reading data to justify text-to-speech for ELA assessments;
  - Add supplementary aid of sensory strategies; and
  - Change the description of Adult Support to better reflect the student's needs.
27. There is no documentation that the student was receiving the special education instruction, supports, and related services that were required by his IEP since the 2022-2023 school year.
28. There is no documentation that the student received the social work services required by his IEP, since March 2023.



29. There is no documentation that the student consistently received the occupational therapy consult as required by his IEP.
30. There is no documentation that reflects that the student received daily adult support to assist with behavior implications or to act as his human reader and scribe for all subject areas.

**CONCLUSIONS:**

**ALLEGATIONS #1 and #2                      REVIEW AND REVISE IEP TO ADDRESS THE STUDENT'S LACK OF EXPECTED PROGRESS THE STUDENT'S NEEDS AND THE CONCERNS OF THE PARENTS**

Each public agency must ensure that the IEP team revises the IEP to address any lack of expected progress toward the annual goals and in the general education curriculum; the results of any reevaluation conducted; information about the child provided to, or by, the parents; and the child's anticipated needs. Additionally, the team must consider the academic, developmental, and functional needs of the child; and in the case of a child whose behavior impedes the child'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. The team must also consider the communication needs of the child and consider whether the child needs assistive technology devices and services. (34 CFR § 300.324)

While the IEP team at ██████████ School met four times during the 2022-2023 school year to review and revise the student's IEP, the revisions made did not address the student's lack of expected progress or his emerging needs in the areas of reading, writing, math, speech, and behavior.

Although the student's May 24, 2022, and December 15, 2022, IEPs state that the student's Behavior Intervention Plan targeted aggressive and physical behavior, the plan did not address the property destruction, verbal outbursts, and self-injurious behaviors that the student exhibited as documented in his IEPs. In fact, the team at ██████████ School chose to remove the student's behavior-related present levels of performance and goals from his IEP altogether.

Despite this information, the team at ██████████ School chose to only minimally increase the student's specialized instruction in the area of basic reading and writing in December of 2022 and did not choose to make any changes to the student's supports regardless of the fact that the student was not making sufficient progress in phonemic awareness, reading comprehension, math calculation, written expression, spelling, and task-related behavior prior to the January 2023 IEP meeting.

The team at ██████████ School did not fully address the parent's concerns regarding the student's academic progress, mental health, or placement. Although the team met often during the 2022-2023 school year, the team did not consider all sources of information to determine that the student was not suitable for an alternate placement outside general education. The prior written notices from the 2022-2023 school year also do not reflect that the team considered the parent's other concerns regarding a change in the student's participation in the alternative curriculum. and while the team agreed to add a social worker consult to address the student's mental health, there is no documentation that the student received these services.

Based on the Findings of Facts #7, #9 to #13, #15 to #16, #18 to #19, and #21, MSDE finds the BCPS has not ensured that the Individualized Education Program (IEP) team reviewed and revised, as appropriate, the student's IEP to address the student's needs and the lack of expected progress toward achieving the IEP goals since October 2022, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation did occur with respect to allegation #1.

Based on the Finding of Facts #8 to #11, #14 to #16, and #20 to #22, MSDE finds that the BCPS has not ensured that the IEP team addressed parental concerns since October 2022, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred with respect to allegation #2.

**ALLEGATION #3 PROPER PROCEDURES WHEN DETERMINING PLACEMENT**

In determining the educational placement of a child with a disability, each public agency must ensure that the placement decision is made by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

While the team at [REDACTED] School is currently in the process of obtaining data to make an appropriate placement decision, the team at [REDACTED] did not consider the wealth of assessment data that had been collected on the student to make a placement determination and did not revisit the student's placement as determined at IEP team meetings.

Based on the Finding of Facts # 14, #16, 20 to #24, MSDE finds the BCPS did not follow proper procedures when the IEP team determined the placement in which the student would receive special education instruction during the 2023-2024 school year, in accordance with 34 CFR §§300.114 and .116. Therefore, this office finds that a violation did occur with respect to the allegation.

**ALLEGATION #4 PROVISION OF SPECIAL EDUCATION INSTRUCTION, SUPPORTS, AND RELATED SERVICES**

At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP. This IEP must be consistent with State policy and agreed to by the agency and the child's parents. In implementing the IEP, each public agency must ensure that as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child's IEP. (34 CFR § 300.323)

Based on the Findings of Facts #2 to #7, #9, #11, #13, #15 to #19, #21, and #24, MSDE finds the BCPS has not ensured that the student has been consistently provided with special education instruction and supports as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did occur with respect to 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.<sup>2</sup> 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.<sup>3</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [diane.eisenstadt@maryland.gov](mailto:diane.eisenstadt@maryland.gov).

### **Student-Specific**

MSDE requires the BCPS to provide documentation by January 1, 2024, that the student is consistently receiving the supports and services required by his IEP.

MSDE further requires the BCPS to provide documentation by February 28, 2024, that the IEP team at [REDACTED] School has met to fully consider the student's needs, the parent's concerns regarding his IEP, his progress towards achieving IEP annual goals, and determine the amount and nature of compensatory services or other remedy to redress the violations identified in this Letter of Findings. MSDE also requires BCPS to provide documentation by February 3, 2024, that the IEP team at [REDACTED] School has completed the reevaluation assessments as determined at the November 3, 2023, IEP meeting, and has reconvened an IEP team meeting to consider and determine placement and services for this student.

### **School-Based:**

MSDE requires the BCPS to provide documentation by March 31, 2024, that the Special Education teams at [REDACTED] School and [REDACTED] School have received professional development on writing appropriate IEPs aligned with MSDE requirements, and proper documentation of the provision of student services. Additionally, BCPS will monitor 10 IEPs from each school using the MSDE monitoring system to determine whether the IEPs are compliant, provide staff with technical assistance to correct any deficiencies, and provide MSDE with a final report of compliance on or before April 1, 2024.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt

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<sup>2</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects 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.

<sup>3</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

of this report, MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

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 M. Collins  
Deputy Superintendent  
Office of the Deputy Superintendent of Teaching and Learning

DMC/ebh

c: Myriam Rogers  
Allison Myers  
Jason Miller  
Norma Villaneuva  
Charlene Harris  
[REDACTED]  
Gerald Loiacono  
Nicole Elliott  
Paige Bradford  
Diane Eisenstadt  
Elizabeth B. Hendricks