

February 22, 2024

Redacted¹

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: #24-084

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 November 3, 2023, MSDE received a complaint from 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 allegations:

1. The BCPS has not ensured that the student's progress towards obtaining annual Individualized Education Program (IEP) goals was measured in the manner required by his IEP, since July 2023, in accordance with 34 CFR §§300.320 and .323.
2. The BCPS has not ensured that the student was provided with the special education instruction and supports required by their IEP, since July 2023, in accordance with 34 CFR §§300.320 and .323.
3. The BCPS has not ensured that the student was provided with the support of a dedicated adult assistant, as required by his IEP, since July 2023, in accordance with 34 CFR §§300.101 and .323.
4. The BCPS has not ensured that the IEP developed for the student addresses his academic or behavioral needs, since July 2023, in accordance with 34 CFR §300.324.

¹ At the complainant's request, their name and **contact** information will not be shared with the local education agency.

BACKGROUND:

The student is thirteen years old and is identified as a student with autism under the IDEA. He is placed by the BCPS at [REDACTED] School, a nonpublic special education program. The student has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. In July 2021, the student was administered the Woodcock-Johnson IV Tests of Achievement Form A and Extended. The student received the following scores on this assessment: academic skills, 71; academic fluency, 74; and academic application, 54; basic reading skills, 94; reading fluency, 84; math calculation skills, 59; and written expression, 74.
2. In July 2021, the student also received a psychological assessment. The student's cognitive functioning was assessed with the Differential Abilities Scales-Second Edition (DAS-2). On this assessment, the student received the following scores: verbal standard score, 67; nonverbal reasoning, 63; spatial, 73; and general conceptual ability, 65. The student's behavioral functioning was assessed using the Adaptive Behavior Assessment System-Third Edition (ABAS-III). On this assessment, the student received the following standard scores: General Adaptive Composite, 83; conceptual, 80; social, 94; and practical, 83. On the Autism Spectrum Rating Scales-Short Form, the student's total parent score was 55, and the teacher score was 59.
3. In October 2021, a speech and language assessment was conducted for the student. Results from the Peabody Picture Vocabulary Test (PPVT-5) reflect that the student received a standard score of 61. This score was described as "well below expected" and had the age equivalent of 5 years, and 6 months. The student's standard score on the Expressive Vocabulary Test (EVT-3) was 70. This score was described as "well below expected" and had the age equivalent of 5:6. The report states that the student demonstrated strengths in participating during gameplay, greeting others, and observing facial expressions. He demonstrated needs in engaging in conversation, gaining attention appropriately, and asking for help. It was determined that the student exhibits a mixed receptive-expressive-pragmatic language disorder.
4. In October 2021, an occupational therapy evaluation was conducted for the student. Results from that assessment revealed that the student exhibited strengths in the areas of cooperative nature, supportive family, sensory processing, and self-care skills. The weaknesses the student exhibited were in the areas of fine motor grasp and control, eye-hand coordination, manual dexterity, visual perception, letter formation, sizing, spacing, and boundaries.
5. The IEP in place for the student in July 2023 was dated March 6, 2023. The student's primary disability was listed as autism. The IEP reflected that the student was pursuing a Maryland High School Certificate of Program Completion, and on September 23, 2021, the parent consented to the student being instructed using alternate standards. The IEP states that the Appendix A IEP team meeting date was March 6, 2023. The student's present levels of academic achievement and functional performance are listed as being on a second-grade level in reading comprehension; standard score 75 for math; written language expression, social-emotional/behavioral, and self-management were "not included in incoming IEP document"; speech and language expressive language were below age/grade level;

speech and language pragmatics was below age grade expectations; physical education was below grade level; and fine motor was below grade level. The IEP reflected that the student has a severe language impairment that impacts his ability to communicate effectively. Still, he is a verbal communicator who did not require a dedicated assistive technology (AT) device or AT services at that time. The instructional and assessment special considerations and accommodations provided to the student included audio amplification; bookmark; blank scratch paper; eliminate answer choice; general administration directions clarified; read aloud, and repeated as needed; highlight tool; headphones or noise buffers; line reader mask tool; magnification/enlargement device; notepad; pop-up glossary; redirect student; spell check or external spell check device; writing tools; graphic organizer; audio materials; small group; frequent breaks; reduce distractions to self; ELA/Literacy, mathematics, science, government: selected response human scribe; ELA/Literacy, mathematics, science, government: selected response assistive technology device; and extended time (1.5x). The supplementary aids, services, program modifications, and supports provided by the IEP included access to a visual timer, have the student repeat and/or paraphrase information, allow the use of manipulatives, the use of a word bank to reinforce vocabulary and/or when extended writing is required, allow the use of organizational aids, adult support daily, home-school communication, advance preparation for schedule changes, social stories, use of positive/concrete reinforcers, crisis intervention, provide frequent changes in activities or opportunities for movement, sensory strategies, picture schedule, occupational consult monthly, and speech/language pathologist consult. The IEP called for the student to receive classroom instruction outside of general education for twenty-eight hours and twenty minutes weekly, in addition to two fifteen-minute sessions of occupational therapy monthly, two fifteen-minute sessions of counseling services weekly, and two thirty-minute sessions of speech/language therapy weekly. The student was to receive transportation to and from school with the support of a safety vest and a bus aide. The least restrictive environment for the student was determined to be a private separate day school for thirty hours weekly. The IEP states that the need for a private separate day school was determined through a settlement agreement on June 22, 2023. The IEP further states that "the student's personal management and social/emotional/behavioral needs are such that direct adult supervision and positive behavior support must be provided at all times during the school day for the safety of peers, instructing/assisting adults, and the student's own self."

6. The March 2023 IEP contained IEP goals in math problem solving, speech and language pragmatics, speech and language expressive language, social-emotional/behavioral, written language expression, and self-management. The IEP required quarterly reporting of progress towards the achievement of annual goals in writing to the parent. The evaluation method of the annual math problem-solving goal required the use of an observation record in 3 out of 4 trials with seventy percent accuracy. The social/emotional/behavioral goals also required the use of an observation record in 3 out of 4 trials, but they did not provide a percentage of accuracy for the student. The evaluation method of the annual speech and language: pragmatics and classroom assignment: self-management goals required the use of an observation record in 4 out of 5 trials with no percentage for accuracy. The evaluation method of the annual reading comprehension, written language expression, and speech and language: expressive language goals required the use of an observation record with eighty percent accuracy, and no number of trials was provided. The student's perseverating self-management goal required the use of an observation record with seventy percent accuracy, and no number of trials was provided.
7. The student's IEP progress report dated October 12, 2023, reflects that the student was not making progress in any of his goals except written language expression. The student's progress on the goals was reported in the method required by the IEP.

8. The student's progress in the area of self-management regarding requesting help does not provide trial data, but instead states, "[The student's] behavior has fluctuated since he began attending [REDACTED] School during the most recent quarter. He is able to go extended periods (days-weeks) with high rates of compliance and on-task behavior, and then temporarily regresses to exhibiting non-compliant behaviors. At times, he can be non-compliant and disruptive for multiple days. A new Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) could be beneficial in better understanding these behaviors."
9. The student's progress in the area of self-management concerning perseverating does not provide trial data, but instead states, "[The student] fluctuates between periods of compliance and non-compliance. Currently, the environmental variables that maintain these behaviors are not well understood. [An] FBA and BIP could potentially help in identifying these triggers, and help to better address [the student's] behavioral concerns."
10. The student's BIP in place since July 2023 is dated March 20, 2023. The behaviors addressed in the BIP included the student saying "no", pushing his work away, or throwing materials to the ground; and repeating specific phrases not on the current topic of conversation or class discussion. The BIP provided information regarding the functions of the student's behaviors, proactive strategies, contributing factors, antecedent(s)/trigger(s) of the behavior, how the staff will teach the replacement skill, positive reinforcement, response strategies, staff development, and further recommendations. The section for the urgent response plan does not provide a list of responses but does list staff who will respond.
11. On November 14, 2023, the IEP team at [REDACTED] School met to address the student's lack of sufficient progress on his IEP goals. According to the prior written notice (PWN) from this meeting, the student was not making sufficient progress in his academic goals due to "behavior and desire." The occupational therapist stated that the student's fine motor skills were not an issue at that time and proposed no change in the occupational therapy service hours. The speech-language therapist also shared that the student was not making sufficient progress due to desire and behavior and that the student's sessions were not productive due to interfering behaviors. No change was proposed to the student's speech-language services, but an updated Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) were proposed to increase productivity in his speech sessions. The counselor shared that the student was "unavailable for participation" and proposed a temporary reduction in his services to one fifteen-minute session weekly until the team was able to determine the functions of his behavior. The team agreed to that proposal. The team discussed the provision of ABA in-home services for the student, and it was stated that community service providers and clinics would be shared with the parents. The student's BCBA shared that the student's struggles with behavior were interfering with his academic performance. It was stated that the student's behavior had fluctuated while at [REDACTED] in that he could "...go extended periods (days-weeks) with high rates of compliance and on-task behavior, and then temporarily regress to exhibiting non-compliant behaviors. At times he can be non-compliant and disruptive for multiple days." The BCBA proposed to track the student's ritualistic/repetitive behaviors, out-of-seat/area behaviors, and non-compliance. It was proposed that an updated FBA and BIP would provide the team with a better understanding of how to program successfully for the student. The team also discussed the possibility of music therapy for the student, and it was agreed to have a music therapy assessment conducted for him. The team amended the student's IEP to reflect the reduction in counseling services and proposed to collect data for a dedicated 1:1 aide for the student. The review of assessments meeting was tentatively scheduled for

February 5, 2024. The team reviewed behavior data, first quarter tracking progress, informal assessments, report cards, the student's current FBA and BIP, observation, and team input to develop the student's updated IEP.

12. The only change included in the IEP generated from this meeting, dated November 10, 2023, was the reduction of counseling services from two weekly fifteen-minute sessions to one weekly fifteen-minute session. There was no updated information provided for the student's behavioral present levels.
13. The progress reported on the student's annual math problem-solving, speech-language, social-emotional/behavioral, and written language expression goals dated January 5, 2024, reflects that the student did not make sufficient progress to meet the goals. The student's progress was reported using the evaluation method required by the IEP.
14. The progress reported on the student's annual reading comprehension goal dated January 5, 2024, reflects that the student did not make sufficient progress to meet the goal. The student's progress was reported using the evaluation method required by the IEP; however, the information that was provided for the second progress reporting period was also placed in the third and fourth reporting fields as well.
15. The progress reported on the student's annual self-management goals dated January 5, 2024, reflects that the student did not make sufficient progress to meet the goals. Progress information provided repeats the same information provided in the October 12, 2023 progress report, and states, "During an IEP meeting held on 12/14/23 an FBA was requested and approved. The FBA is in process. A new FBA and BIP could be beneficial in better understanding these behaviors." The information does not provide updated quantitative or qualitative data about how the student was progressing toward his self-management goals in the three months since his last progress report in October 2023 in the method required by the IEP.
16. On February 7, 2024, the IEP team met to review the student's music therapy assessment and updated FBA, and to discuss the student's progress and the proposed 1:1 aide. The music therapist shared that the student engaged in 0/4 goals during the music therapy assessment but feels that it is educationally necessary to provide the student with Music Therapy. It was determined that the student qualifies for the service, and the team proposed one quarterly forty-five-minute music therapy session to help the student meet his goals. The social worker shared that the student does not engage in counseling, which the team had already proposed to reduce, and agreed that Music Therapy was a better therapy modality for the student. It was shared that the student was not making progress in traditional counseling due to engagement, and the team agreed to suspend those services. The social worker also shared that the student has twelve counseling make-up sessions which she proposed to "co-treat" during music therapy to make up the missing sessions. It was shared that the student enjoys working in the school store and is engaged when he participates there. It was proposed to add a quarterly fifteen-minute social work consult to make up for the missing sessions before suspending the student's social work services, and the team agreed. The special education teacher shared that the student is not making sufficient progress toward his current goal due to desire and behavior. The teacher shared that the student paces in class, and as a result there is some progress, but it is not sufficient due to student refusal and interfering behaviors. The teacher also shared that the student has shown decreased independence in the second quarter, but the student will engage in math over reading independently. The speech-language pathologist shared that the student is not making progress toward his current goal due to desire and behavior. It was stated that the student receives two thirty-minute speech and

language therapy sessions weekly. Although he can complete the sessions, they are not productive at this time due to a lack of engagement and interfering behaviors. It was stated that hopefully, he will be more engaged once music therapy begins. The speech pathologist shared that while data collection has been low, she continues to collect data to see where the deficiencies are. The behavior specialist said that the student's struggles with behaviors are interfering with his academics. The behavior specialist reiterated the information that was provided in the student's progress report and shared that the behavior of concern is work avoidance with ritualistic behavior. She shared positive reinforcers with the team and explained the importance of updating the student's choice menu frequently because the novelty of his incentives can wear off. The team reviewed and updated the student's BIP. The team discussed the student's transportation needs, and it was shared that the student exhibits model behavior on the bus. The parent requested to remove the student's safety vest and allow him to just use the seatbelt, and the team agreed. It was proposed to add a 1:1 dedicated aide for the student to help him meet his goals and make sufficient progress. The team agreed and discussed the justification plan. The meeting was adjourned.

17. The IEP developed from this meeting, dated February 5, 2024, includes updated parent input, the addition of social worker consult and music therapy, and the dismissal of counseling services. All other information in the IEP remained the same.
18. There is documentation that the student's special education teacher has an educator certificate issued from the Maryland State Department of Education. He has two Advanced Professional Certificates (APC) in Special Education issued on December 13, 2021, which expire on June 30, 2025.
19. There is documentation of the instructional supports and accommodations required by the student's IEP in the form of class pictures, lesson plans, and work samples. However, of the twenty-four work samples provided only four of them are dated, and three of the dates are consecutive dates in mid-December 2023. Additionally, five of the work samples have no name and are blank.
20. There is no documented Appendix A for this student.

CONCLUSIONS:

ALLEGATION #1: Measuring Progress Toward IEP Goals As Required By IEP

The first allegation concerns whether or not the student's IEP goals were measured in the manner required by his IEP. An IEP must include a statement of measurable annual goals that includes a description of how the child's progress toward meeting the annual goals will be measured, and when periodic reports on the progress the child is making toward meeting the annual goals will be provided. (34 CFR §§300.320)

The student's March 2023 IEP, which is currently in place for the student and was last amended on February 5, 2024, requires progress toward IEP goals to be reported quarterly and in writing to the parent. The evaluation method required is the use of an observation record. All goals required that the student's progress be determined in 3 out of 4 or 4 out of 5 trials. The student's progress report developed on October 12, 2023, reflects that the student was not making progress in all of his goals except written language expression, but the student's progress on these goals was reported in the method required by the IEP for all of his goals except self-management. Although the reporting of his self-management goals in the October 12, 2023, progress report was not reported in the method required by the IEP, the report did provide qualitative data regarding the student's progress.

The January 5, 2024, progress report on the student's annual reading comprehension, math problem-solving, speech-language, social-emotional/behavioral, and written language expression goals reflects that the student did not make sufficient progress to meet the goals, but the student's progress was reported using

the evaluation method required by the IEP. The January 5, 2024, progress report on the student's annual self-management goals reflects that the student did not make sufficient progress to meet the goals, but the progress was not reported using the evaluation method required by the IEP because there is no current data regarding how the student was progressing toward his self-management goals in the three months since his last progress report on October 12, 2023. Although the student may have still been exhibiting behaviors that made it difficult to assess progress, the progress report should note the attempt to conduct progress monitoring in the method required by the IEP. Instead, the January 5, 2024, a progress report on these goals essentially provides the same information as the October 12, 2023 progress report. Since behavior was a major concern for this student, the team should have ensured that actual current data was collected on his self-management behaviors as these behaviors were dramatically affecting his ability to participate in instruction.

Based on the Findings of Facts #6 to #9, and #13 to #15, MSDE finds that the BCPS has not ensured that the student's progress towards obtaining annual IEP goals was measured in the manner required by their IEP, since July 2023, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

ALLEGATION #2: Provision of Special Education Instruction and Supports

The complainant alleges the student did not receive the special education instruction and supports required for him to advance toward attaining his annual IEP goals. As soon as possible following the development of the IEP, special education and related services should be made available to the child in accordance with the child's IEP (34 CFR §300.323). The IEP must include a statement of the special education and related services and supplementary aids and services to be provided to the child, and a statement of the program modifications or supports that will be provided to enable the child to advance appropriately toward attaining those annual goals. (34 CFR §300.320)

The student's IEP dated March 6, 2023, which is currently in place for the student and was last amended on February 5, 2024, requires that the student receives, among other instructional supports, access to a visual timer, have the student repeat and/or paraphrase information, allow the use of manipulatives, the use of a word bank to reinforce vocabulary and/or when extended writing is required, allow the use of organizational aids, adult support daily, home-school communication, advance preparation for schedule changes, social stories, use of positive/concrete reinforcers, crisis intervention, provide frequent changes in activities or opportunities for movement, sensory strategies, and picture schedule. There is documentation that the student has been receiving these instructional supports since July 2023.

Based on the Findings of Facts #5, #11, #16, and #18 to #19, MSDE finds that the BCPS has ensured that the student was provided with the special education instruction and supports designed to allow the student to advance toward attaining annual goals in their IEP, since July 2023, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that no violation occurred with respect to the allegation.

ALLEGATION #3: Provision of a Dedicated Adult Assistant

The complainant alleges the student was not provided with the support of a dedicated adult assistant as required by his IEP since July 2023. As soon as possible following the development of the IEP, special

education and related services should be made available to the child in accordance with the child's IEP. (34 CFR §300.323).

The student's IEPs dated March 6, 2023, November 10, 2023, January 11, 2024, and February 5, 2024, do not require the provision of a dedicated adult assistant.

Based on the Findings of Fact #5, #11, and #16, MSDE finds that the BCPS was not required to ensure that the student was provided with the support of a dedicated adult assistant, as required by their IEP, since July 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that no violation occurred with respect to the allegation.

ALLEGATION #4: Developing an IEP that Addresses Academic and Behavioral Needs

The complainant alleges the student's IEP failed to address his academic and behavioral needs since July 2023. In developing each child's IEP, the IEP team must consider the strengths of the child; the concerns of the parents for enhancing the education of their child; the results of the initial or most recent evaluation of the child; and the academic, developmental, and functional needs of the child. The team must also revise the IEP to address any lack of expected progress toward the annual goals and in the general education curriculum, and the results of any reevaluation (34 CFR §300.324).

The student entered [REDACTED] School with an IEP dated March 6, 2023. This IEP did not provide present level information for the student in the areas of written language expression, social-emotional/behavioral, and self-management. Additionally, as of October 12, 2023, the student was only making progress on one of his nine goals. The team rescheduled a meeting set for October 24, 2023, to November 10, 2023, and addressed the student's lack of progress. At that meeting, the team also decided to develop an updated FBA and BIP and conduct a music therapy assessment for the student. On February 7, 2024, the team met to review the student's music therapy assessment and updated BIP, discuss the student's continued lack of progress, and the proposed 1:1 aide. At that meeting, the team determined to provide the student with music therapy, implement his new BIP, and provide the student with a 1:1 aide.

Based on the Findings of Facts #5 to #17 MSDE finds the BCPS has ensured that the IEP developed for the student addresses his academic or behavioral needs, since July 2023, in accordance with 34 CFR §300.324. Therefore, this office finds that no violation occurred with respect to the allegation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

Students with the most significant cognitive disabilities may require instruction and assessment based on the Alternate Academic Achievement Standards (AAAS). For a student to be determined to have a significant cognitive disability, a review of student records must indicate a disability or multiple disabilities that significantly impact cognitive functioning, educational performance, and adaptive behavior. "The determination of eligibility must be made on an annual basis, and parents must be informed of, and consent to, the decision." (*Technical Assistance Bulletin, #19-07*, Division of Early Intervention and Special Education Services, Revised December 2022) There is no documentation from the IEP team describing the basis for

determining that the student should be instructed and assessed according to the AAAS. While the student's IEP dated March 6, 2023, states that the IEP team met to complete *Appendix A: Participation Criteria and Checklist*, there is no evidence that this process was completed or that parental consent was obtained.

Based on the Findings of Fact#1 to #5, MSDE finds that the BCPS did not follow proper procedures in making the determination that the student would participate in the Alternate Framework and securing parental consent, in accordance with 34 CFR §300.320 and Md. Code, Educ. § 8-405(g). Therefore, this office finds that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include 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. 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.² 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. Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Barmat can be reached at (410) 767-7770 or by email at alison.barmat@maryland.gov.

Student-Specific

MSDE requires that no later than May 1, 2024, the BCPS gather data and complete accurate reporting of the student's progress on their goals. Additionally, by May 1, 2024, the BCPS must convene an IEP team meeting to reconsider the determination of the student's participation in the Alternate Framework. The team must also determine the amount of compensatory services or other remedy, in addition to ensuring the student is participating in the general curriculum standards and assessments moving forward. If the team determines that the student is eligible to participate in the Alternate Framework, it must ensure that documentation, such as the *Appendix A* form, is completed and included in his records.

School-Based:

MSDE requires that no later than May 1, 2024, the BCPS conduct a review of 10 similarly situated students in nonpublic schools who have been determined eligible to participate in the Alternate Framework. If BCPS determines that there are other students who were inappropriately determined eligible, the BCPS must

² 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.

convene an IEP meeting for those students to make the necessary corrections, in addition to considering the amount of compensatory services or other remedy the student should receive to address the teams failure to provide the student with the correct instructional and state assessment participation. BCPS must report the results of this monitoring to MSDE no later than May 5, 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 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,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/ebh

c: Dr. Myriam Rogers, Superintendent, BCPS
Ms. Charlene Harris, Supervisor of Compliance, BCPS
Mr. Jason Miller, Coordinator, Special Education Compliance, BCPS
Ms. Norma Villanueva, Specialist, Compliance Department of Special Education, BCPS
[REDACTED]
Ms. Alison Barmat, Branch Chief, Family Dispute Resolution, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Ms. Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Ms. Elizabeth B. Hendricks, Complaint Investigator, MSDE