


February 7, 2024



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

RE:   
Reference: #24-105

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.

**ALLEGATION:**

On December 15, 2023, MSDE received a complaint from Mr. Doni Mason, hereafter, “the complainant”, on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Baltimore County Public Schools System (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student:

MSDE investigated the allegation that the BCPS did not follow proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting since November 2023, in accordance with 34 CFR §300.503.

**BACKGROUND:**

The student is 14 years old and is identified as a student with an Other Health Impairment (OHI) under the IDEA. He attends  and has an IEP that requires the provision of special education services.

**FINDINGS OF FACT:**

1. On November 28, 2023, the complainant emailed the BCPS special education staff requesting a meeting to discuss his son’s ability to learn in a safe environment.

2. On November 28, 2023, the BCPS special education staff emailed the school counselor seeking guidance regarding the meeting. The school counselor stated it was an administrative concern and to advise the parent to contact the school administrator.
3. On November 28, 2023, the BCPS special education staff emailed the complainant. The email reflects that after consultation with the IEP chairperson and the student's counselor the issue "would best be addressed by an administrator."
4. On November 28, 2023, the complainant emailed the BCPS superintendent. The email reflects his concerns for his son's safety, and his request and denial for an emergency IEP team meeting with BCPS staff.
5. On November 29, 2023, the BCPS principal emailed the BCPS staff. The email reflects that the principal resolved the parents' concerns. The email reflects that the student would be dismissed from class three minutes early to travel to class while the hallways are quiet. The administrators will check in with the student in a "week or two" to determine if the plan is working. She advised the BCPS central office staff to contact the parent to confirm that an IEP team meeting was not required and determine if the parent had any other outstanding concerns for the IEP team to address. The principal further advised the staff to determine if any other needs should be addressed in an upcoming IEP team meeting.
6. On December 7, 2023, the BCPS central office staff emailed the BCPS school staff. The email reflects that the parent was under the impression that the early class dismissal was added to the student's IEP and requested an IEP team meeting to make the IEP amendment. The IEP team meeting was proposed for January 5, 2024.
7. On December 14, 2023, a Parent Notification of IEP Team Meeting was generated. The notice proposes an IEP team meeting for January 5, 2024.
8. On January 5, 2024, the IEP team met to review/revise the student's IEP. The IEP team proposed and accepted adding the three minute early dismissal from class to the student's IEP as an accommodation. The Prior Written Notice (PWN) drafted after the meeting reflects the student would be transferring schools and a social work referral would be submitted by the receiving school. The PWN further reflects that the complainant raised concerns about his initial request for an IEP team meeting being denied. The BCPS staff apologized and shared that they did not realize it was a request for an IEP team meeting, but for a suspension meeting.
9. There is documentation that the three-minute early dismissal from class accommodation was added to the student's IEP.

#### **DISCUSSION/CONCLUSIONS:**

In this case, the BCPS initially denied the complainant an IEP team meeting and dealt with the complainant's concerns administratively. The IEP team did convene within a reasonable time of the complainant's request to address his concerns, amend the student's IEP to include an additional supplementary aid and service, initiate a school transfer and social work referral.

Based upon the Findings of Facts #1 to #9, MSDE finds that the BCPS did follow proper procedures when responding to a request for an IEP team meeting since November 2023, in accordance with 34 CFR §300.503. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

**TIMELINE:**

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/tg

c: Dr. Myriam Rogers, Superintendent, BCPS  
Ms. Conya Bailey, Director Special Education, BCPS  
Dr. Jason Miller, Coordinator, Special Education, Compliance, BCPS  
Ms. Charlene Harris, Supervisor Special Education, Compliance, BCPS  
Ms. Norma Villanueva, Compliance Specialist, BCPS  
Ms. Alison Barmat, Branch Chief, Family Support/Dispute Resolution, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Ms. Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE  
Ms. Tracy Givens, Complaint Investigator, MSDE