


July 10, 2024




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

RE:   
Reference: #24- 237

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and 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 May 22, 2024, MSDE received a complaint from , 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 allegations:

1. The BCPS has not ensured that the student has been consistently provided with accommodations and the math intervention as required by the Individualized Education Program (IEP) since the start of the 2023-2024 school year, in accordance with 34 CFR §§300.101 and .323.
2. The BCPS did not ensure that proper procedures were followed when responding to a request for an independent educational evaluation (IEE) obtained at the public expense since May 1, 2024, in accordance with 34 CFR §300.502, and COMAR 13A.05.01.14.

**BACKGROUND:**

The student is 13 years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. The student attends  and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1                      PROVISION OF IEP ACCOMMODATIONS INCLUDING THE MATH INTERVENTION**

**FINDINGS OF FACT:**

1.        The student’s IEP, developed on September 6, 2023, requires that the student be provided with the following accommodations:
  - Text-to-speech for math, science and government assessments;
  - Small group;
  - Frequent breaks;
  - Reduced distractions to self;
  - Reduced distractions to others;
  - Calculation device on calculation and non-calculation portions of assessments;
  - Extended time: time and a half;
  - Daily provide alternate ways for the student to demonstrate learning;
  - Daily check for understanding;
  - Daily chunking of texts;
  - Daily break down assignments into smaller units;
  - Daily use positive concrete reinforcers;
  - Weekly home-school communication system; and
  - Daily preferential seating.

In addition, the student’s IEP, developed on October 23, 2023, and November 8, 2023, includes the following accommodations:

- Time of day;
- Monitor test responses;
- Daily use of organization aids;
- Daily have the student repeat or paraphrase information; and
- Weekly school social work consult.

The student’s IEP, developed on September 6, 2023, October 23, 2023, and November 8, 2023, requires daily “research-based intervention for math fluency.”

2.        There is documentation that the student was provided with the accommodations as required by the IEP.
3.        There is documentation that the student was provided with the “research-based” intervention for math as required by the IEP. However, there is also documentation that the student refused to participate in the math intervention.

**CONCLUSION:**

Based on the Findings of Fact #1 through #3, the BCPS has ensured that the student has been consistently provided with accommodations and the math intervention as required by the IEP since the start of the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office does not find a violation occurred with concern to the allegation.

**ALLEGATION #2                      RESPONSE TO A REQUEST FOR AN IEE**

**FINDINGS OF FACT:**

4.        On May 1, 2024, the complainant requested an IEE.

5. On May 31, 2024, the BCPS emailed the complainant a response to the request for an IEE. The letter attached to the email reflects that the BCPS denied the request for an IEE and that a request for a mediation or due process hearing with the Office of Administrative Hearings (OAH) concerning the IEE request will be filed by the BCPS Office no later than June 30, 2024. Furthermore, the email reflects that the complainant was provided with a copy of their Parental Rights: Maryland Procedural Safeguards Notice.
6. There is documentation that the BCPS filed a request for a due process hearing with OAH.

**CONCLUSION:**

Based on the Findings of Fact #4 through #6, the BCPS did ensure that proper procedures were followed when responding to a request for an IEE obtained at the public expense since May 1, 2024, in accordance with 34 CFR §300.502, and COMAR 13A.05.01.14. Therefore, this office does not find a violation occurred with concern to the allegation.

**TIMELINES:**

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/sd

- c: Dr. Myriam Rogers, Superintendent, BCPS  
Charlene Harris, Supervisor of Compliance, Special Education, BCPS  
Dr. Jason Miller, Coordinator, Special Education Compliance, BCPS  
Norma Villanueva, Compliance Specialist, BCPS  
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Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
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