

August 16, 2024

[REDACTED]
[REDACTED]
[REDACTED]

Ms. Denise T. Mabry
Baltimore City Public Schools
200 E. North Avenue, Room 204 B
Baltimore, Maryland 21202

RE: [REDACTED]
Reference: #24-276

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services 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 June 21, 2024, MSDE received a complaint from [REDACTED], hereafter “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Baltimore City Public School (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 has not ensured that the student has been provided with the special education instruction in the area of math required by the Individualized Education Program (IEP) during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the complainant alleges the student was not provided with supplementary aids and services or accommodations.

BACKGROUND:

The student is 10 years old and is identified as a student with Autism under the IDEA. The student attends [REDACTED]. She has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The IEP, in effect at the start of the 2023- 2024 school year was developed on March 30, 2023. The IEP reflects the areas impacted by the student’s disability are communication, reading comprehension, math problem solving, math calculations, and reading fluency. The IEP team developed IEP goals in the same areas of concern. The IEP required six hours and 15 minutes weekly of specialized instruction outside of the general education classroom to target math goals with instruction provided by a special education teacher, one hour weekly of specialized instruction outside of the general education classroom to target literacy goals with instruction provided by a special education teacher, and 15 minutes weekly of speech-language services inside of the general education classroom as a related service.

2. The IEP requires the following supplementary aids, services, program modifications, and supports:
 - Facts table, daily;
 - Monitor independent work, daily;
 - Frequent and/or immediate feedback, daily;
 - Check for understanding, daily;
 - Allow use of manipulatives, daily;
 - Allow use of highlighters during instruction and assignments, daily;
 - Chunking of text(s), daily;
 - Break down assignments into smaller units, daily;
 - Frequent eye contact/proximity control, daily;
 - Strategies to initiate and sustain attention, daily; and
 - Occupational therapy consult, quarterly.
3. The IEP's Present Levels of Academic Achievement and Functional Performance (PLAAFP) reflect that in the area of math, the student performs at a first-grade instructional level. The student requires repetition, modeling, and visual prompts when given independent work. It is noted that the student needs one-to-one support, positive praise, and reinforcement to get started, struggles with retention, works best with adults, and requires encouragement to stay engaged, as well as modeling and anchor charts.
4. On December 11, 2023, the IEP team convened at the request of the complainant to discuss concerns and to conduct a reevaluation plan. The IEP team reviewed the student's progress and proposed conducting psychological and educational assessments. During the meeting, the complainant expressed concern about the current approach to the student's special education, preferring push-in services instead of pull-out, as the student isn't performing well when removed from the classroom for services. The complainant shared that the student struggles to complete classroom assignments and the complainant believes the student needs additional help within the classroom as she may be overwhelmed by large assignments. The complainant inquired if the student's assignments were appropriately modified and if her goals and accommodations were being followed in class. She also inquired if the student was being redirected in class to complete her work. The complainant emphasized the need for collaboration to determine the best approach for the student's progress. A BCPS IEP team member shared with the IEP team that the student was progressing well in math and benefited from using place value charts and manipulatives. The IEP team agreed to amend the student's service hours to require more time in the general education classroom. The IEP team proposed regular home-school communication, a psychologist consult for behavioral support, and a classroom-teacher consult to discuss strategies for supporting the student in the general education setting.
5. The December 11, 2023, IEP requires one hour and 30 minutes weekly of specialized instruction outside of the general education classroom to target math goals with instruction provided by a special education teacher, one hour weekly of specialized instruction inside of the general education classroom to target math needs with instruction provided by a special education teacher, one hour weekly of specialized instruction outside of the general education classroom to target literacy goals with instruction provided by a special education teacher, and 15 minutes weekly of speech-language services inside of the general education classroom as a related service.

6. On March 3, 2024, the IEP team reconvened to review the recommended assessments from the December 11, 2023, IEP meeting and conduct an annual review. The team used data from recent formal assessments, progress reports, classroom data, and teacher and parental input to determine a change in the student's disability classification to Autism. The IEP team updated the student's goals, objectives, services, supplementary aids, and accommodations to reflect the student's current level of performance and increased the level of support. The team proposed increasing the student's specialized instruction in math with the special education teacher, providing both push-in and pull-out support.
7. The IEP requires two hours weekly of specialized instruction outside of the general education classroom to target math goals with instruction provided by a special education teacher, one hour and 30 minutes weekly of specialized instruction inside of the general education classroom to target math needs with instruction provided by a special education teacher, one hour weekly of specialized instruction inside of the general education classroom to target literacy goals with instruction provided by a special education teacher, and 15 minutes weekly of speech-language services inside of the general education classroom as a related service.
8. The report of the student's progress dated October 30, 2023, January 19, 2024, April 3, 2024, and June 13, 2024, towards the achievement of the annual math problem-solving goal reflect that the student is "Making sufficient progress to meet the goal." The narrative of the student's progress reflects that the student made progress using manipulatives, modeling, and prompts and received services as required by the IEP.
9. The report of the student's progress dated October 30, 2023, January 19, 2024, April 3, 2024, and June 13, 2024, towards the achievement of the annual math calculation goal reflect that the student is "Making sufficient progress to meet the goal." The narrative of the student's progress reflects that the student made progress using place value chart manipulatives, modeling, prompts, explicit instruction, graphic organizers, process chart, and extended time and received services as required by the IEP.
10. In addition to the IEP progress report, on November 13, 2023, and February 17, 2024, the student received an additional "Special Education Progress Report" that provided the complainant with detailed information on the student's progress in math. The documentation also reflects that the student received supplementary aids and services, as well as accommodations, as required by the IEP.
11. There is documentation that the student received their supplementary aids and services as required by the IEP since September 2023.

CONCLUSION:

Based on the Findings of Fact #1 through #11, MSDE finds that the BCPS has ensured that the student has been provided with special education instruction in the area of math required by the IEP during the 2023- 2024 school year. Specifically, the student was provided her supplementary aids and services, or accommodations, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds that a violation did not occur concerning this 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 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/sj

c: Sonja Santelises, Superintendent, BCPS
Christa McGonigal, Educational Specialist II, BCPS
[REDACTED], Principal, BCPS
Paige Bradford, Section Chief, Programmatic Support and Technical Assistance, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
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