

September 17, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

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: #25-010

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 on the final results of the investigation.

**ALLEGATIONS:**

On July 26, 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 County Public School (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The BCPS did not provide the student with the Extended School Year (ESY) services required by the Individualized Education Program (IEP) during the summer of July 2024, in accordance with 34 CFR §§ 300.101 and .323.
2. The BCPS did not ensure that the student was provided with the reading intervention as required by the IEP during the July 2024 ESY session, in accordance with 34 CFR §§ 300.101 and .323.

**BACKGROUND:**

The student is 11 years old and is identified as a student with Specific Learning Disability (SLD) under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACT:**

1. The IEP in effect in July 2024 is dated January 22, 2024. The IEP reflects the student’s primary disability as SLD with reading phonics, reading comprehension, writing, math calculation, and math problem solving as the areas affected by the disability.

The IEP requires the student to receive the following intervention during the 2023-2024 school year:

- Orton-Gillingham, “5 times weekly, 50 minutes each session.”

The IEP reflects that the student was eligible for ESY services for the July 2024 ESY session. The IEP required the following ESY services for the student:

- Five, 40-minute sessions of classroom instruction outside general education weekly, from July 10, 2024, to August 4, 2024. “[The student] receives 5, 40-minute sessions weekly of direct instruction, outside General Education, to address her phonics goal.”

2. Due to staffing issues, the student did not receive direct instruction on July 10, 2024, and July 11, 2024. The student was absent from ESY on July 12, 2024.
3. On July 19, 2024, the complainant emailed BCPS staff sharing that she filed a letter of complaint “for failure to provide services stated on [the student’s] IEP during ESY.”
4. There is documentation that on July 23, 2024, BCPS staff developed a plan to make up the missed ESY services, including the reading intervention, prior to the conclusion of the ESY 2024.
5. There is documentation that between July 15, 2024, and August 2, 2024, the student was provided the required ESY services.

**DISCUSSIONS AND CONCLUSIONS:**

**ALLEGATIONS #1 and #2**

**ESY SERVICES AND PROVISION OF ESY READING INSTRUCTION**

**ESY Services**

Based on the Findings of Fact #1 to #3, MSDE finds that the BCPS did not provide the student with the ESY services required by the IEP on July 10 and 11, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation occurred concerning the allegation.

Notwithstanding the violation, based upon Findings of Fact #4 and #5, MSDE finds that the BCPS developed a plan and provided the student with the missed services during the ESY 2024. Therefore, no further corrective action is required.

**Provision of ESY Reading Instruction**

Based on the Findings of Fact #1 to #3, MSDE finds that the BCPS did not ensure that the student was provided with the reading intervention as required by the IEP on July 10 and 11, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation occurred concerning the allegation.

Notwithstanding the violation, based upon Findings of Fact #4 and #5, MSDE finds that the BCPS developed a plan and provided the student with the missed services reading intervention services during ESY 2024. Therefore, no further corrective action is required.

**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/ebh

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