

December 30, 2024

[REDACTED]

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

Re: [REDACTED]
Reference #25- 117

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.

ALLEGATION:

On October 31, 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) concerning 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 required by the Individualized Education Program (IEP) during the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, you allege the student has not been provided with his pull-out support in reading and math, supplementary aids and services, or accommodations.

BACKGROUND:

The student is 16 years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. The student currently attends [REDACTED] and has an IEP that requires the provision of special education instruction.

FINDINGS OF FACT:

1. The student’s IEP at the start of the 2024- 2025 school year was amended on August 21, 2024, and developed on December 5, 2023. The IEP reflects identified needs in the areas of math calculation, math problem solving, reading comprehension, and written language content. The IEP includes goals that address the same areas of concern.

2. The August 21, 2024, amended IEP requires the provision of two hours and 30 minutes weekly of specialized instruction inside of the general education classroom with instruction provided by the general education teacher. This time includes:
 - two 30-minute sessions weekly of reading and written language instruction;
 - three 30-minute sessions weekly of math instruction; and
 - one 30-minute session weekly of specialized instruction outside of the general education setting with instruction provided by the special education teacher in the area of math.

The IEP does not require transportation as a related service.

3. The Present Levels of Academic Achievement and Functional Performance (PLAAFP) reflect that the student has a history of seizures and receives special education as a student with OHI. Due to this condition, the student has difficulty recalling information. His attention and lack of focus impact his performance as well. It is documented that he displays increased frustration with classroom instruction due to the inability to remain focused, comprehend the information, and transition between settings. He requires constant prompts and redirection to initiate and complete tasks.
4. The IEP requires the student to be provided with instructional support, program modifications, social/behavioral supports, and physical/environmental supports as follows:

Instructional support

- Process charts will be posted around the classroom or given to [REDACTED] after new math processes are taught;
- Frequent and/or immediate feedback;
- Monitor independent work; and
- Repetition of directions;

Program Modification(s)

- Chunking of text(s)

Social/Behavioral Support(s)

- Strategies to initiate and sustain attention.

5. On September 5, 2024, the IEP team convened to review the IEP and determine the student's eligibility for transportation services. The new IEP requires transportation as a related service. During the IEP meeting, the IEP team discussed the student's medical history. The Prior Written Notice (PWN) reflects, that given the impact of the student's autism and history of seizures, cognitive impact, and parent concerns, the IEP team reviewed the Baltimore City Public Schools transportation checklist and decided safety concerns prevent him from walking to school and/or using public transportation to and from school. Therefore, the team decided that he meets the criteria to receive transportation so he can safely access his special education services.

The PWN indicates that the IEP team proposed amending the student's IEP by adding transportation services prior to December 2024, while maintaining the remainder of the August 21, 2024, IEP without changes.

6. The report of the student's progress dated October 20, 2024, towards the achievement of the annual academic goals, reflects that the student is "Making sufficient progress to meet goals."

7. On November 5, 2024, the IEP team convened for the student's annual IEP meeting. The PWN reflects that the team discussed transportation, noting that "[the student] has been receiving this service," and the complainant stated she had no concerns regarding surrounding it. The team decided the student would continue to receive transportation to ensure safe access to his educational services.

The PWN reflects that the complainant expressed concern that the student was not receiving pull-out supports in both English and math. The IEP team clarified that, per the IEP, the student only receives pull-out support in math, provided by the special education teacher, and this support will continue. Additionally, the PWN notes that his teachers will continue to provide supplementary aids, services, accommodations, and modifications as needed. Members of the IEP team observed that the student is generally successful with academic tasks without significant support, but when challenges arise, teachers provide assistance, including modified work.

8. There is documentation that the student received transportation once the bus route was created through the BCPS Office of Pupil Transportation.
9. There is documentation that the student received special education services, support, and accommodations as required by the IEP during the 2024- 2025 school year.

CONCLUSION:

Based on Findings of Fact #1 through #9, MSDE finds that the BCPS has ensured that the student has been provided with the special education instruction required by the Individualized Education Program (IEP) during the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the student has been provided with his pull-out support in math and has received his supplementary aids, services, and accommodations. Therefore, this office finds that a violation did not occur concerning 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 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. Request for reconsideration should be sent to Tracy Givens, Section Chief, Dispute Resolution at Tracy.Givens@maryland.gov.

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, BCPS
[REDACTED], Principal, BCPS
Alison Barmat, Branch Chief, Dispute Resolution and Family Support, MSDE
Paige Bradford, Section Chief, Programmatic Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Stephanie James, Complaint Investigator, MSDE