

January 17, 2025



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

RE: [REDACTED]
Reference: #25-152

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 December 4, 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 Schools (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 has not ensured that the student was provided with the special education services, related services, supplementary aids, services, and accommodations as required by the Individual Education Program (IEP) since December 2023, in accordance with 34 CFR §§ 300.101 and .323.
2. The BCPS did not ensure that the student’s teachers had access to the student’s IEP and, as a result, did not ensure that the student’s IEP was implemented since December 2023, in accordance with 34 CFR §§ 300.101 and .323.
3. The BCPS did not follow proper procedures when responding to a request for an IEP team meeting since November 2024, in accordance with 34 CFR § 300.503.

BACKGROUND:

The student is 16 years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. He attended [REDACTED] and has an IEP that requires the provision of special education instruction and related services. On November 12, 2024, the student withdrew from BCPS and transferred out of the state.

**ALLEGATION #1 PROVISION OF THE SPECIAL EDUCATION SERVICES, RELATED SERVICES,
SUPPLEMENTARY AIDS, SERVICES, AND ACCOMMODATIONS**

FINDINGS OF FACT:

1. The student's IEP developed on June 1, 2023, and February 21, 2024, required:
 - 1 hour and 30 minutes weekly of special education instruction inside the general education classroom for all of his core classes to be provided by the special and general education teacher;
 - 1 hour and 30 minutes weekly of special education instruction outside the general education classroom for reading comprehension;
 - 1 hour 30 minutes weekly of special education instruction outside the general education classroom for math calculation;
 - 1 hour 30 minutes weekly of special education instruction outside the general education classroom for written language mechanics; and
 - 1 hour monthly of social work services.

The IEP required supplementary aids, services, and accommodations:

- Small group;
- Frequent breaks;
- Reduced distractions to self and others;
- Calculation device on calculation and non-calculation sections; and
- Extended time (1.5x).

2. The student's IEP developed on June 6, 2024, requires:
 - 45 minutes weekly of special education instruction inside the general education classroom for reading comprehension to be provided by the special and general education teacher;
 - Two hours and 15 minutes weekly of special education instruction inside the general education classroom for math calculation provided by the special and general education teacher;
 - Two hours and 15 minutes of special education instruction inside the general education classroom for written language expression provided by the both the general and special education teacher; and
 - 1 hour monthly of social work services.

In addition to the previous supports, the IEP requires additional supplementary aids, service and accommodations: monitor test response.

3. On November 12, 2024, the student withdrew from BCPS and transferred out of state.
4. There is documentation that the student received social work services as required by the IEP from December 2023 through November 2024.

5. While there is some documentation that the student was provided with the special education services, supplementary aids, services, and accommodations, it does not demonstrate the consistent provision as required by the IEP.

CONCLUSIONS:

Based on the Findings of Fact #1 through #4, MSDE finds that the BCPS has ensured that the student was provided with the related services as required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds no violation concerning this aspect of the allegation.

Based on the Findings of Fact #1 through #3, and #5, MSDE finds that the BCPS has not ensured that the student was consistently provided with the special education services, supplementary aids, services, and accommodations as required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation concerning this aspect of the allegation.

ALLEGATION #2 ACCESS TO IEP

FINDINGS OF FACT:

6. On August 28, 2023, an acknowledgement of an IEP document was signed by the BCPS staff.
7. On August 25, 2024, the student's IEP was emailed to relevant BCPS staff members. On August 26, 2024, an acknowledgment of an IEP document was signed by the BCPS staff.

CONCLUSION:

Based on the Findings of Fact #6 and #7, MSDE finds that the BCPS did ensure that the student's teachers had access to the student's IEP and, as a result, did ensure that the student's IEP was implemented since December 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds no violation concerning the allegation.

ALLEGATION #3 RESPONDING FOR A REQUEST FOR AN IEP TEAM MEETING

FINDING OF FACT:

8. There is no documentation to support the allegation that the complainant requested an IEP team meeting since November 2024.

CONCLUSION:

Based on the Finding of Fact #8, MSDE finds that a request for an IEP team meeting was not made since November 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE finds no violation concerning the allegation.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

MSDE requires the BCPS to provide documentation by March 21, 2025, that it has offered the student compensatory services or another remedy to redress the lack of consistent provision of special education services, supplementary aids, services, and accommodations. The documentation must reflect that the remedy was developed after consultation and in collaboration with the school system in which the student is placed. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the remedy offered.

The BCPS must ensure that the parent is provided with prior written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

MSDE requires the BCPS to provide documentation by March 21, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the consistent provision of special education services, supplementary aids, services, and accommodation under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

² MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email Tracy.Givens@maryland.gov. 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 in the Department of Special Education, BCPS
Dr. Jason Miller, Coordinator, Special Education Compliance, BCPS
Norma Villanueva, Compliance Specialist, BCPS
[REDACTED], Principal, [REDACTED], BCPS
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE