



June 24, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]

Dr. Kathrine Pierandozzi  
Executive Director  
Department of Special Education  
Jefferson Building, 4<sup>th</sup> Floor  
105 W Chesapeake Avenue  
Towson, MD 21204

RE: [REDACTED]  
Reference: #22-139

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), 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 April 27, 2022, the MSDE received a complaint from Ms. [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) with respect to the above-referenced student.

The MSDE investigated the following allegations:

1. The BCPS has not addressed the student’s needs for recovery or compensatory services in accordance with 34 CFR §300.101.
2. The BCPS did not provide the parent with proper written notice of the May 2, 2022, Individualized Education Program (IEP) team meeting, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07D.
3. The BCPS has not ensured that the IEP addresses the student’s academic and communication needs since April 27, 2021, in accordance with 34 CFR §§300.320 and .324.

4. The BCPS did not ensure that the IEP team convened to review the student's IEP in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324.

**BACKGROUND:**

The student is nineteen (19) years old and is identified as a student with Autism under the IDEA. He attends ██████████ School and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1: ADDRESSING THE NEED FOR RECOVERY OR COMPENSATORY SERVICES**

**FINDING OF FACT:**

1. The IEP team summary generated after the student's, June 13, 2022, IEP team meeting reflects the team discussed Compensatory Recovery Services (CRS). The IEP team proposed ten (10) hours of academic tutoring and five (5) hours of speech and language services. The complainant wanted to consult with the student's doctor regarding the proposed speech and language hours. The IEP team agreed to revisit the speech and language proposal at the next IEP team meeting.

**CONCLUSION:**

Based on Finding of Fact #1, the MSDE finds that the BCPS has addressed the student's needs for recovery or compensatory services in accordance with 34 CFR §300.101. Therefore, this office does not find that a violation occurred with respect to this allegation.

**ALLEGATION #2: PROVISION OF IEP TEAM MEETING NOTICE**

**FINDINGS OF FACTS:**

2. There is documentation that on April 21, 2022, an IEP team meeting invitation was generated for the meeting to be held on May 2, 2022. However, there is no documentation that the complainant was provided with notice of the IEP team meeting.
3. On May 2, 2022, the IEP team convened, including the complainant, and reviewed parental input, current "educational information", record review, IEP goals, the student's progress, and placement options. Based on this review, the IEP team determined that they would reconvene with additional central office staff to provide additional technical assistance regarding the student's placement options. The complainant agreed with the determination.

**CONCLUSIONS:**

Based on Finding of Fact #2, the MSDE finds that the BCPS did not provide the parent with proper written notice of the May 2, 2022, IEP team meeting, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07D. Therefore, this office finds that a violation occurred with respect to this allegation.

Notwithstanding the violation, based on Finding of Fact #3, the MSDE finds that the complainant participated in the May 2, 2022, IEP team meeting and participated in the educational decision-making process for the student. Therefore, no further corrective action is required for this allegation.

**ALLEGATION #3: IEP THAT ADDRESSES THE STUDENT'S ACADEMIC AND COMMUNICATION NEEDS**

**FINDINGS OF FACTS:**

4. The student's IEP in effect on April 27, 2021, was developed on March 15, 2021. The IEP reflects that he has identified needs in the areas of reading, mathematics, writing, career/vocational, and physical education. The IEP includes annual goals, specialized instruction, supports, and related services to improve the student's skills in these areas. The IEP requires specialized instruction within a self-contained setting and individual or small group speech and language services outside of general education.
5. The student's IEP, dated March 15, 2021, reflects that his present level of performance in reading was at a second-grade level. It reflects strengths in "identifying basic sight words, recognizing basic sight words with symbols, and answers questions using multiple choice options. The student requires assistance with vocabulary, "wh" questions, and comprehension. The student's annual reading goal states "after selecting a preferred research topic, given modified directions (e.g., picture-based), and access to familiar technology (e.g., computer, iPad), the student will turn on device, open a search engine (e.g., Google, an app on an iPad), enter a word States?", click on a relevant source (e.g., White House website), and copy/paste information to a new document, in 3 out of 4 internet research activities." The IEP requires the following instructional supports: use of pictures to support reading passages, simplified sentence structure, vocabulary, and graphics on assignments and assessments.
6. The student's IEP, dated March 15, 2021, reflects that his present level of performance in mathematics was at a second-grade level. The student's IEP reflects strengths in "identifying numbers, counting to twenty (20), telling time to the half hour, shapes, and identifying coins." The student requires support with "addition and subtraction, adding coins and money, and calculating time." The student's annual mathematics goal states "given dollar bills, quarters, and dimes that amount to less than \$10, and asked to add or subtract another amount less than \$10 to/from the given amount, the student will produce the sum or difference using bills and coins."

7. The student's IEP, dated March 15, 2021, reflects that his present level of performance in writing was at a second-grade level. The student's IEP reflects strengths in copying from a model, writing all letters, formulating sentences with four or more words, and using sentencings frames to write five (5) or more sentences in paragraph format. The student requires support to develop and express independent thoughts, using his device to expound upon sentences, and formulating longer and more diverse sentences. The student's first annual writing goal states "when participating in a small-group, poster presentation project (e.g., create a poster about a chosen job/career), using sentence starters and a list of search terms, the student will use a computer to print 1 image and type 3 complete sentences a computer for unrelated activities (e.g., viewing nonacademic internet sites, playing games for 4 out of 5 group-project activities." The IEP requires limiting the "amounts to be copied from the board." The student's second annual writing goal states "given a completed graphic organizer on a classroom topic (e.g. kingdom classification), the student will type information from the graphic organizer to fill in a digital presentation (i.e. PowerPoint) template to create 3 slides with 2 details and copy an image) with no more than 3 visual prompts (e.g. teacher points to a computer tool bar or reference sheet) within (30) minutes for 4 out of 5 presentations."
8. The student's IEP, dated March 15, 2021, reflects that his present level of performance in communication was "below grade level". The student's IEP reflects strengths in "willingness to communicate, cooperative and friendly, and responsive to modeling and verbal/visual cues." The student requires support to improve "functional communication skills, whole language, communication device, and speaking gestures." The IEP reflects the student has special communication needs. The student requires direct speech and language therapy to "promote his expressive communication skills." The IEP requires the provision of assistive technology in the form of "low tech pictures and picture displays, and dynamic display voice output device and authoring software." The student does not require assistive technology services. The student's annual communication goal states the student "will use total communication (communication device, gestures, speaking) to communicate in the classroom with 70% accuracy." The IEP requires the following instructional supports: "have the student repeat or paraphrase information, provide scripts/prompts for learning to communicate in new situations, such as in the community and in a work setting, and an assistive technology consult periodically."
9. The student's IEP in effect at the start of the 2021-2022 school year was developed on June 14, 2021. The IEP reflects that he has identified needs in the areas of reading, mathematics, writing, career/vocational, communication, and physical education. The IEP includes annual goals, specialized instruction, supports, and related services to improve the student's skills in these areas. The IEP requires specialized instruction within a self-contained setting and individual or small group speech and language services outside of general education.
10. The student's IEP, dated June 14, 2021, reflects that his present level of performance in reading was at a second-grade level. It reflects strengths in "identifying basic sight words, recognizing basic sight words with symbols, answers questions using multiple choice options, enjoys oral and visual stories, reads basic safety signs, listens to read aloud, and identifies some high frequency words." The student needs assistance with vocabulary and

reading comprehension. The student attempts to participate orally, however he is encouraged to use his assistive technology device due to unclear articulation. The student's annual reading goal states "when shown an illustration from a familiar grade level story, the student will verbally describe the characters and setting of the story from which it appears in 1-3 sentences each (in 2 out of 5 trials) as measured by (teacher observation). The IEP requires the following instructional supports: use of pictures to support reading passages, simplified sentence structure, vocabulary, and graphics on assignments and assessments.

11. The student's IEP, dated June 14, 2021, reflects that his present level of performance in mathematics was at a second-grade level. The IEP reflects the student can access grade level standards when provided with "significantly modified materials, manipulatives, organizers, reference sheets, repetition, calculators, and a review of skills." The student's IEP reflects strengths in "basic math skills, identifying numbers, counting to thirty (30), telling time to the half hour, shapes, identifying coins, and the use of a calculator with assistance." The student requires support when adding and subtracting in "real world opportunities." The student's annual mathematics goal states "when given a series of five (5) real-world money and time math calculations requiring multiplication, division, addition or subtraction, the student will select the correct mathematical operation(s) used to solve the problem accurately."
12. The student's IEP, dated June 14, 2021, reflects that his present level of performance in writing was at a second-grade level. The IEP reflects the student can access grade level standards when provided with "significantly modified standards-based material, adult support, organizers, and chunked reading materials." The student's IEP reflects strengths in "copying from the board, penmanship, formulating sentences with four or more words, and using sentencng frames to write five (5) or more sentences in paragraph format." The student requires support to "develop and express independent thoughts while using the assistive technology device." The student's annual writing goal states "when participating in a small-group, poster presentation project (e.g., create a poster about a chosen job/career), using sentence starters and a list of search terms, Kenyon will use a computer to print 1 image and type 3 complete sentences for 4 out of 5 group-project activities." The IEP requires limiting the "amounts to be copied from the board."
13. The student's IEP, dated June 14, 2021, reflects that his present level of performance in communication was "below grade level". The student's IEP reflects strengths in "willingness to communicate, cooperative and friendly, and responsive to modeling and verbal/visual cues." The student requires support to improve "functional communication skills, whole language, communication device, and speaking gestures. The IEP reflects the student has special communication needs. The student requires direct speech and language therapy to "promote his expressive communication skills." The IEP requires the provision of assistive technology in the form of "low tech pictures and picture displays, and dynamic display voice output device and authoring software." The student does not require assistive technology services. The student's annual communication goal states the student "will use total communication (communication device, gestures, speaking) to communicate in the classroom with 70% accuracy." but does not include the manner in which this skill will be measured or what the student will need to demonstrate to reflect progress. The IEP

requires the following instructional supports: “have the student repeat or paraphrase information, provide scripts/prompts for learning to communicate in new situations, such as in the community and in a work setting, and an assistive technology consult periodically.”

**DISCUSSION AND CONCLUSIONS:**

Based on the Findings of Facts #4-#7 and #9- #12, the MSDE finds that the BCPS has ensured that the IEP addresses the student’s academic needs since April 27, 2021, in accordance with 34 CFR §§300.320 and .324. Therefore, this office does not find that a violation has occurred with respect to this allegation.

In developing each student’s IEP, the public agency must ensure that the IEP includes a statement of *measurable* annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the student's other educational needs that result from the student’s disability (34 CFR §300.320).

Based on the Findings of Facts #8 and #13, the MSDE finds that the BCPS has not ensured that the student’s IEP includes a measurable goal addressing the student’s communication needs since April 27, 2021, in accordance with 34 CFR §§300.320. Therefore, this office finds that a violation has occurred with respect to this allegation.

**ALLEGATION #4: ANNUAL REVIEW OF IEP**

**FINDINGS OF FACTS:**

14. The student’s IEP in effect at the start of the 2021-2022 school year was developed on June 14, 2021. The IEP reflects that he has identified needs in the areas of reading, mathematics, writing, career/vocational, communication, and physical education. The IEP includes annual goals, specialized instruction, supports, and related services to improve the student’s skills in these areas.
15. The student’s annual IEP review meeting was convened on May 2, 2022. The IEP reflects identified needs in the areas of reading, mathematics, writing, communication, and physical education. The IEP includes annual goals, specialized instruction, supports, and related services to improve the student’s skills in these areas.

**CONCLUSION:**

Based on Findings of Facts #14 and #15, the MSDE finds that the BCPS did ensure that the IEP team convened to review the student’s IEP in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to the allegation.

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### **CORRECTIVE ACTIONS/TIMELINES:**

The IDEA requires that State complaint procedures include those for 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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that non-compliance is corrected in a timely manner.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with the 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. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [Diane.Eisenstadt@maryland.gov](mailto:Diane.Eisenstadt@maryland.gov).

### **Student Specific**

The MSDE requires the BCPS to provide documentation by October 1, 2022, of the following actions:

- a. Convened an IEP team meeting to revise the student's communication goal;
- b. Convened and determined the amount and nature of compensatory services or other remedy to redress the violations identified in this investigation; and
- c. Developed a plan for the provision of those services within one (1) year of the date of this Letter of Findings.

The BCPS must ensure that the parent is provided with 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.

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<sup>1</sup> 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, the 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.

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

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### **School-Based**

The MSDE requires BCPS to provide documentation of the steps taken to ensure that the violation does not recur at [REDACTED] School.

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. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Division of Early Intervention/Special Education Services

MEF/tg

c: Conya Bailey  
Jason Miller  
Charlene Harris  
[REDACTED]  
Alison Barmat  
Diane Eisenstadt  
Gerald Loiacono  
Tracy Givens