

March 26, 2025

Redacted¹

Denise T. Mabry
Director of Compliance and Due Process
Baltimore City Public Schools
200 E. North Avenue, Room 204 B
Baltimore, Maryland 21202

RE: [REDACTED]
Reference: #25-219

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 January 14, 2025, MSDE received a complaint from 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 special education instruction, supplementary aids and services, and accommodations as required by the Individualized Education Program (IEP) since October 23, 2024, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is 14 years old and is identified as a student with other health impairment (OHI) under the IDEA. The student attends [REDACTED] School and has an IEP that requires the provision of special education instruction.

FINDINGS OF FACT:

1. The IEP in effect on October 23, 2024, was amended on August 14, 2024. The IEP reflects that cognitive, math calculation, and math problem solving are areas impacted by the student's disability. The IEP requires goals in math calculation and math problem-solving.
2. The August 14, 2024, IEP reflects that the student requires:

¹ At the complainant's request, their name and contact information will not be shared with the local education agency.
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- One hour weekly of specialized instruction outside of the general education classroom with support provided by the special education teacher to address IEP goals and math deficits; and
 - 30 minutes a week of specialized instruction inside the general education classroom with support provided by the general education teacher and the special education teacher.
3. The August 14, 2024, IEP reflects the following math problem-solving goal: "By March 2025, Given direct instruction, [Student] will independently solve two-step word problems involving the four operations and include rational and irrational numbers based on informal procedures with 75% accuracy." This goal has no criteria for retention.
 4. The August 14, 2024, IEP reflects the following math calculation goal: "By March 2025, Given direct instruction, [Student] will analyze and solve linear equations and pairs of simultaneous linear equations based on informal procedures with 80% accuracy." This goal has no criteria for retention.
 5. The August 14, 2024, IEP required the student to be provided with the following special considerations and accommodations to access a modified general education curriculum:

Instructional support

Check for understanding- Daily
Allow use of manipulatives- Daily

Program modifications

Break down assignments into smaller units- Daily

Physical/Environmental Support

Preferential seating- Daily

School Personnel Support

Classroom instruction consultation- Monthly for 15 minutes to check on the progress of the student and to identify ways to support her in the general educational setting.

6. On February 10, 2025, the IEP team convened for an annual review of the student's IEP. During the IEP meeting, the IEP team updated the student's IEP to reflect the revision of updates to the student's present level of academic achievement and functional performance, goals and objectives, testing and instructional accommodations, and supplementary aids and services. The IEP team determined the student will receive specialized math instruction outside of the general education setting provided by a special educator.
7. The February 10, 2025, IEP reflects that the student requires six hours and 40 minutes of specialized instruction outside of the general education classroom with instruction and support provided by the special education teacher in math within a self-contained class.
8. The February 10, 2025, IEP reflects revised special considerations and accommodations to access a modified general education curriculum:

Instructional support

Provide alternative ways for students to demonstrate learning- Daily
Have the student repeat and/or paraphrase information- daily
Frequent and/or immediate feedback- Daily
Check for understanding- Daily

9. There is documentation that the student was provided with accommodations, supplementary aids and services as required by the IEP since October 2024.
10. There is documentation that the student does not have a "Student Learning Plan²".
11. BCPS acknowledged that it has not ensured the student received the special education instruction as required by the IEP from the start of the 2024–2025 school year until February 10, 2025. Specifically, they confirmed that the student received excessive math instruction outside of the general education setting and no math services within the general education setting.

CONCLUSION:

ALLEGATIONS #1

PROVISION OF SPECIAL EDUCATION INSTRUCTION, SUPPORT, AND ACCOMMODATION

In this complaint, the complainant alleges that the student was not receiving the services and support required by the Student Learning Plan. However, the student does not have a Student Learning Plan and receives support through an IEP.

Special Education Instruction

Based on Findings of Fact #1, #2, #7, and #11, MSDE finds that the BCPS has not ensured that the student has been provided with special education instruction as required by the IEP since the start of the 2024- 2025 school year until February 10, 2025, in accordance with 34 CFR § 300.101 and .323. Therefore, MSDE finds a violation.

Support and Accommodations

Based on Findings of Fact #1, #5, #8, and #9, MSDE finds that the BCPS has ensured that the student has been provided with support and accommodations as required by the IEP since October 24, 2024, in accordance with 34 CFR § 300.101 and .323. Therefore, MSDE does not find a violation.

CORRECTIVE ACTIONS and 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

² BCPS' definition Student Learning Plan (SLPs) is a roadmap for partnering with families to ensure students receive the resources and supports necessary to meet their goals for the year.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner³. 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 action⁴. 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 May 30, 2025, that the IEP team has convened and determined whether the violation identified in this Letter of Finding had a negative impact on the student's ability to benefit from the education program. If the IEP team determines that there was a negative impact; it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

The BCPS must ensure that the parents are provided with written notice of the team's decisions. The parents maintain 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 June 15, 2025, that it has provided professional development to [REDACTED] School staff on the provision of special education instruction and services as required by the IEP.

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. The written request for reconsideration should be provided to Tracy Givens, Section Chief,

³ 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 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 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.

⁴ 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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Dispute Resolution via email at 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 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] School, Principal, BCPS
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Dr. Paige Bradford, Section Chief, Programmatic Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Monitoring and Accountability, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Stephanie James, Complaint Investigator, MSDE