

March 21, 2025

[REDACTED]

Ms. Laurie-Lynn Sutton-Platt
Executive Director Office of Special Education
Baltimore City Public Schools
200 E. North Avenue, Room 204 B
Baltimore, Maryland 21202

RE: [REDACTED]
Reference: #25-237

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 January 27, 2025, 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 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 a re-evaluation has occurred at least every three years, since January 2024, in accordance with 34 CFR § 300.303.
2. The BCPS has not developed an Individualized Education Program (IEP) that addresses the student's identified academic needs since January 2024, in accordance with 34 CFR § 300.324.
3. The BCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the January 23, 2025, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is 10 years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. The student attends [REDACTED] School ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. On January 24, 2024, the IEP team convened to conduct the student's annual review. The prior written notice (PWN) generated after the meeting reflects the IEP team reviewed "[the student's] confidential folder, formal assessments, informal assessments, attendance records, progress reports, teacher input and observation, parent input, classwork samples, and IEP team discussion" to make its determinations.

The IEP team proposed skill-based IEP goals in reading phonics and math problem solving, as well as goals in reading comprehension, math calculation, written language expression, and speech-language expressive language.

The IEP team also agreed to specially designed instruction and related services: "5 x 3 hr./week - outside of the General Education classroom and 1 x 30 min/week - Speech Therapy".

2. The IEP developed at the January 24, 2024, IEP team meeting reflects the student's most recent evaluation date as February 1, 2022, and the projected evaluation date as January 31, 2025. The IEP reflects the impact of the student's disability as affecting math calculation, math problem solving, reading comprehension, reading phonics, speech-language expressive language, and written language expression.

The IEP reflects the student as performing on the following academic instructional grade levels:

- Reading phonics – mid-second grade
- Reading comprehension – mid-second grade
- Math calculation – early second grade
- Math problem solving – early second grade
- Written language expression – early second grade
- Speech-Language Expressive Language – no level of performance provided

The IEP includes the implementation of the following instructional and assessment accommodations:

- General Administration Directions Clarified
- General Administration Directions Read Aloud and Repeat as Needed
- Graphic Organizer
- Small Group
- Frequent breaks
- Reduce distractions to self
- Calculation device and mathematics tools (on Calculation Sections of the Mathematics Assessments)
- Calculation device and mathematics tools (on NON-Calculation Sections of the Mathematics Assessments)
- Monitor Test Response
- Extended Time (1.5X)

The IEP includes implementation of the following supplementary aids, services, program modifications, and supports:

- Daily:
- Repetition of directions
- Allow use of manipulatives
- Use of word bank to reinforce vocabulary and/or when extended writing is required
- Allow use of highlighters during instruction and assignments
- Process Charts
- Sentence Starters
- Check for understanding
- Use pictures to support reading passages, whenever possible
- Chunking of text(s)
- Preferential seating

The IEP includes the following IEP goals:

- Speech-language Expressive Language: "By January 2025, given fading prompts and cues, [the student] will improve his descriptive skills to communicate complete, specific, and meaningful thoughts verbally with 80% accuracy, as measured by informal assessment, clinical data collection, and/or teacher report."
- Method of Measurement: Informal Procedures: Informal procedures
- Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include the criteria for retention.

- Fine Motor: "By January 2025, [the student] will improve his fine motor and perceptual motor skills to enhance his classroom performance."
- Method of Measurement: Informal Procedures: observation/teacher report
- Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include conditions under which the goal will be measured, a measurable behavior or the criteria for retention.

- Math Problem Solving: Skill-Based Goal "By January 2025, when given problems with addition and subtraction, [the student] will add and subtract within 100 to solve one-and two-step word problems, improving operations and algebraic thinking skills with 80% accuracy as measured by classroom-based assessments."
- Method of Measurement: Classroom-Based Assessment: Do the Math Intervention
- Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include the criteria for retention. This goal does not include conditions under which the goal will be implemented or measured.

- Reading Comprehension: "By January 2025, when given exercises with key ideas and details, [the student] will refer to details and examples in a text when explaining what the text says explicitly and when drawing inferences from the text, improving reading informational text skills with 80% accuracy as measured by classroom-based assessments."
- Method of Measurement: Classroom-Based Assessment: Wit & Wisdom [sic]
- Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include the criteria for retention or a clear behavior being measured.

- Written Language Expression: "By January 2025, when given exercises with text types and purposes, [the student] will introduce a topic or text clearly, state an opinion, and create an organizational structure in which related ideas are grouped to support the writer's purpose, improving writing skills with 80% accuracy as measured by classroom-based assessments."
- Method of Measurement: Classroom-Based Assessment: Wit & Wisdom
- Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include the criteria for retention.

- Math Calculation: "By January 2025, when given problems with multi-digit whole numbers, [the student] will multiply a whole number of up to four digits by a one-digit whole number, and multiply two two-digit numbers, using strategies based on place value and the properties of operations, improving number and operations in base ten skills with 80% accuracy as measured by classroom-based assessments."
- Method of Measurement: Classroom-Based Assessment: Eureka Math
- Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include the criteria for retention.

- Reading Phonics: Skill-Based Goal "By January 2025, when given exercises with phonics and word recognition, [the student] will use combined knowledge of all letter-sound correspondences, syllabication patterns, and morphology (e.g., roots and affixes) to read accurately unfamiliar multisyllabic words in context and out of context, improving reading foundational skills with 80% accuracy as measured by classroom-based assessments."
- Method of Measurement: Classroom-Based Assessment: SPIRE
- Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include the criteria for retention.

The IEP required the following special education and speech-language services:

- Five, three-hour sessions of classroom instruction outside general education, weekly.
- One, 30-minute session of speech-language therapy outside general education, weekly.
- "[The student] will receive specialized instruction outside of the general education classroom to address deficits in reading and math. 5 x 3 hr./week - Reading and Math Intervention and Instruction."

3. On November 7, 2024, the IEP team convened at the parent's request to review and revise the IEP. The PWN generated after the meeting reflects the IEP team reviewed "[the student's] confidential folder, previous formal assessments, informal assessments, attendance records, progress reports, teacher input and observation, parent input, and classwork samples" in making its decisions. The PWN reflects the IEP team agreed to order updated assessments in academic performance.

4. On November 7, 2024, a "Notice and Consent for Assessment" was generated for the student in the areas of reading, mathematics, and written language.
5. The November 7, 2024, IEP reflects the student's primary areas of impact in math calculation, math problem solving, reading comprehension, reading phonics, speech-language expressive language, and written language expression. The most recent evaluation date, projected evaluation date, and the student's academic instructional performance levels continued as indicated on the student's previous IEP.

The IEP includes the implementation of the following instructional and assessment accommodations:

- General Administration Directions Clarified
- General Administration Directions Read Aloud and Repeat as Needed
- Graphic Organizer
- Small Group
- Frequent breaks
- Reduce distractions to self
- Mathematics Tools including Calculator (on Calculator sections of the Mathematics Assessments and Science Assessments)
- Mathematics Tools including Calculator (on non-Calculator sections of the mathematics assessments)
- Monitor Test Response
- Extended Time (1.5X)

The IEP supplementary aids, services, program modifications, and supports, IEP goals, and special education services and speech-language services were continued from the prior IEP.

6. On January 22, 2025, an educational assessment report was completed for the student. The report reflects that the student scored in low range in broad reading, and the very low range in broad written language, broad mathematics, and broad achievement. The report reflects that "[the student's] performance is limited on tasks requiring the ability to convey ideas in writing. His performance is extremely limited on spelling tasks [and] his quality of written sentences and fluency in writing sentences are limited...he will probably find it very difficult to succeed on grade-level tasks requiring the effective and fluent production of written sentences."
7. On January 27, 2025, the IEP team reconvened to conduct the student's annual review and reevaluation assessment review. The PWN generated after the meeting reflects the IEP team reviewed "[the student's] confidential folder, educational assessment (1/2025), cognitive assessment (12/2021), Amplify (1/2025), Brigance (1/2025), General Educator Progress Reports (1/2025), Special Educator Progress Report (1/2025), and parent input" to make its decisions.

The IEP team drafted a new IEP, updated the present levels, developed IEP goals, and reviewed the assessment data. The team determined that the student continues to be eligible for special education services under the code of OHI. The PWN reflects the complainant does not agree with the services outlined in the IEP and requested that all new assessments be completed. Specifically, the complainant requested that [REDACTED] "test for all disabilities and tell her which disabilities [the student] suffers from and how [BCPS plans] to support those specific disabilities with IEP services to address each disability." The complainant shared that she feels [REDACTED] has failed the student and cannot meet with the IEP because the student is performing on a kindergarten level although he is in the fifth

grade. The complainant shared that the [REDACTED] team “has not documented or provided services for the 8 disabilities that [REDACTED] has diagnosed him with, [and] she would like the assessments to be completed before she shares any information that was provided to her from [REDACTED].”

The complainant requested that BCPS conduct a Fine Motor, Receptive/Expressive Language, and Cognitive assessment for the student, but does not want the team to explore attention deficit hyperactivity disorder (ADHD) as a possible disability because “that is it not a learning disability and [the student] is suffering from a learning disability that [REDACTED] has not identified.” The complainant also requested that the student “only be in a classroom with students that have disabilities.”

“Based on parental concerns that the appropriate disability has not been determined based on the available existing data the team agreed to order [assessments in] receptive/expressive language, fine motor, and cognitive/intellectual functioning.” The IEP team rejected the complainant’s request to have the student in a class with only students with disabilities because “his qualifying disability does not warrant that level of support [and the student] has benefited from being with his non-disabled peers in the general education classroom.” The PWN reflects the IEP team “thoroughly explained that Other Health Impairment due to ADHD is the qualifying disability that [the student] has although the parent does not agree that OHI is a learning disability.” The IEP team requested to review the complainant’s assessment data from [REDACTED], but the complainant refused to provide the data, sharing that she would not provide the information because it is [REDACTED]’ job “to find out the 8 disabilities that she reports [the student] is suffering from.”

8. On January 27, 2025, a “Notice and Consent for Assessment” was generated for the student. The notice reflects the student will be assessed in expressive/receptive language, intellectual/cognitive functioning, and fine motor.
9. The January 27, 2025, IEP reflects the student’s primary disability as OHI with math calculation, reading comprehension, reading phonics, speech-language expressive language, and speech-language receptive language as the areas impacted by the disability. The most recent evaluation date reflects January 27, 2025, and the projected evaluation date is January 26, 2028.

The IEP reflects the student as performing on the following academic instructional grade levels:

- Reading phonics – “[The student] is working at four grades below in reading phonics.”
- Reading comprehension – “[The student] is currently working four grades below grade level.”
- Math calculation – “[The student] is currently working four grades below grade level in math calculation.”
- Math problem solving – “K.8”
- Written language expression – “2.3”
- “[The student’s] ability to write meaningful sentences is limited...he will probably find it very difficult to succeed on grade-level tasks requiring the ability to convey ideas in writing. Based on classroom-based assessments, with access to supplementary aids, services, program modifications, and teacher support, [the student] is on grade level for written language expression. Given access to sentence starters, word banks, organizational tools, and independent support, [the student] is able to form logical grade level sentences and paragraphs.”

- Speech-Language Receptive Language – “Below average when compared to chronological age.”
- Speech-Language Expressive Language - “Below average when compared to chronological age.”

The IEP requires implementation of the following instructional and assessment accommodations:

- Blank Scratch Paper
- General Administration Directions Clarified
- General Administration Directions Read Aloud and Repeated as Needed
- Highlight Tool
- Redirect Student
- Student Reads Content Aloud to Him or Herself
- Graphic Organizer
- Separate or Alternate Location
- Specified Area or Setting
- Reduce Distraction to Self
- Reduce Distraction to Others
- Mathematics Tools including Calculator (on Calculator sections of the Mathematics Assessments and Science Assessments)
- Mathematics Tools including Calculator (on non-Calculator sections of the mathematics assessments)
- Extended Time (1.5X)

The IEP requires implementation of the following supplementary aids, services, program modifications, and supports:

- Daily:
- Use of word bank to reinforce vocabulary and/or when extended writing is required
- Repetition of directions
- Provide assistance w/organization
- Monitor independent work
- Have student repeat and/or paraphrase information
- Check for understanding
- Allow use of organizational aids
- Allow use of manipulatives
- Allow use of highlighters during instruction and assignments
- Use pictures to support reading passages, whenever possible
- Separate long paragraph questions into bullets, whenever possible
- Reduce number of answer choices
- Chunking of text(s)
- Strategies to initiate and sustain attention
- Reinforce positive behavior through non-verbal /verbal communication
- Encourage student to ask for assistance when needed
- Check for understanding
- Preferential seating

The IEP includes the following IEP goals:

- Math Calculation: Skill-Based “By January 2026, given 5 multi-digit multiplication problems, [the student] will multiply multi-digit whole numbers using the standard algorithm with 80% accuracy on four out of five occasions, as measured by teacher records and classroom-based assessments.”
 - Method of Measurement: Classroom-Based Assessment: classroom-based assessment
 - Criteria (Mastery and Retention) With: 80 % Accuracy
 - This goal includes no conditions under which this goal will be instructed or measured.
- Reading Comprehension: “By January 2026, when given a grade level text, [the student] will be able to cite specific textual evidence when writing or speaking to answer text dependent questions or prompts with 80% accuracy on four out of five occasions, as measured by classroom-based assessments.”
 - Method of Measurement: Classroom-Based Assessment: classroom-based assessments
 - Criteria (Mastery and Retention) With: 80 % Accuracy
 - This goal includes no conditions under which this goal will be instructed or measured.
- Reading Phonics: Skill-based “By January 2026, given a list of unfamiliar words and teacher support/prompting, [the student] will apply grade-level phonics and combined knowledge of all letter-sound correspondences to identify unfamiliar words on four out of five occasions with 80% accuracy as measured by using classroom-based assessments.”
 - Method of Measurement: Classroom-Based Assessment: classroom-based assessments
 - Criteria (Mastery and Retention) With: 80 % Accuracy
- Speech and Language Receptive Language: “By January 2026, given fading prompts and cues, [the student] will learn and apply strategies to increase his reading comprehension in 2 of 3 opportunities, over 3 consecutive sessions, as measured by informal assessment, clinical data collection, and/or teacher report.”
 - Method of Measurement: Informal Procedures: Informal procedures
 - Criteria (Mastery and Retention) With: 2 out of 3 trials

This goal is not measurable as written. It does not include the criteria for mastery.

The IEP required the following special education and speech-language services:

- 10, 30-minute sessions of classroom instruction outside general education, weekly.
- Five, three-hour sessions of classroom instruction inside general education, weekly.
- One, 30-minute session of speech-language therapy outside general education, weekly.
- “[The student] will receive specialized instruction outside of the general education classroom to address deficits with math calculation and reading comprehension skills. Math Calculation- 5 x 30 min/week Reading - 5 x 30 min/week.”
- “[The student] will receive specialized instruction inside the general education classroom for ELA and Math that will be provided by the special educator in a full inclusion model. 5 x 1.5 hours/week - ELA 5 x 1.5 hours/week - Math.”

10. In its written response, City Schools acknowledged that it did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the January 23, 2025, IEP team meeting at least five business days before the scheduled meeting.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1

EVALUATION PROCEDURES

Based on Findings of Fact #2, #3, #4, #6, and #7, MSDE finds that the BCPS has ensured that a re-evaluation has occurred at least every three years, since January 2024, in accordance with 34 CFR § 300.303. Therefore, MSDE finds no violation.

ALLEGATION #2

AN IEP THAT ADDRESSES THE STUDENT'S ACADEMIC NEEDS

In developing each student's IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student (34 CFR § 300.324).

In this case, the student's special education classroom instruction increased from 15 hours weekly in the January 2024 and November 2024 IEPs to 20 hours weekly in January 2025 to address the student's math calculation and reading comprehension skill deficits. However, the student's January 2024, November 2024, and January 2025 IEPs do not include measurable annual goals; and although the January 22, 2025, educational assessment reflects that the student struggles significantly in writing, and the January 2025 IEP PLAAFP data in written language expression reflects the student as performing on a "2.3" grade level and states that the student "...will probably find it very difficult to succeed on grade-level tasks requiring the ability to convey ideas in writing," the IEP does not reflect that written language expression is an area impacted by the disability. In January 2025, sentence starter use was removed as a supplementary aid from the IEP. The PWN from the January 2025 IEP meeting does not reflect that the IEP team discussed removing written language expression from the areas impacted by the student's disability, also removing an annual IEP goal in that area. Based on Findings of Fact #2 to #7, and #9, MSDE finds that the BCPS has not developed an IEP that addresses the student's identified academic needs since January 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE finds a violation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

MEASURABLE IEP GOALS

The public agency must ensure that the IEP contains measurable annual goals, including academic and functional goals designed to meet the child's needs resulting from the child's disability. These goals should enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs resulting from the child's disability (34 CFR § 300.320).

Based on Findings of Fact #2, #5, and #9, MSDE finds that the BCPS has not ensured that the IEP contains measurable goals since January 2024, in accordance with 34 CFR § 300.320. Therefore, MSDE finds a violation.

ALLEGATION #3 PROVISION OF DOCUMENTS BEFORE AN IEP TEAM MEETING

Based on Finding of Fact #9, MSDE finds that the BCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the January 23, 2025, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

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. 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 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution Branch, 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

By May 28, 2025, MSDE requires the BCPS to provide documentation that the school system has:

- Developed an IEP that addresses all the student's identified educational needs and includes measurable annual goals; and
- Convened an IEP team meeting and determined the amount and nature of compensatory services or other remedies to redress the violations herein and developed a plan for the provision of those services within one year of the date of this Letter of Findings.
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The BCPS must ensure that the complainant is provided with written notice of the team's decisions. The complainant 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 May 28, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for developing IEPs that address all of the student's identified needs and includes measurable annual goals, and providing parents accessible copies of each document the IEP team plans to discuss at least five days before the IEP meeting. These steps must include staff development.

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 submitted to Tracy Givens, Section Chief, Dispute Resolution, 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 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: Sonja Santelises, Superintendent, BCPS
Denise Mabry, Director of Special Education Compliance & Due Process, BCPS
Christa McGonigal, Educational Specialist II, BCPS
[REDACTED], Principal, [REDACTED] School, BCPS
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE