

March 28, 2025

[REDACTED]

Ms. Denise Mabry  
Director of Special Education Compliance & Due Process  
Baltimore City Public Schools  
200 E. North Avenue  
Baltimore, Maryland 21202

Re: [REDACTED]  
Reference: #25-242

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 29, 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) and related requirements concerning the above-referenced student.

MSDE investigated the allegation that the BCPS did not follow proper procedures when evaluating the student to determine if he is a student with a disability requiring special education and related services, since January 29, 2024, in accordance with 34 CFR §§ 300.301-.311 and COMAR 13A.05.01.06.

**BACKGROUND:**

The student is seven years old and is currently being assessed to determine if he is a student with a disability under the IDEA. He attends [REDACTED] School.

**FINDINGS OF FACT:**

1. On September 27, 2024, the BCPS completed the child find referral. The form reflects the Individualized Education Program (IEP) team convened on September 27, 2024, following an email from the complainant. The referral reflects social/emotional/behavioral as the area of concern. The form reflects the behaviors of concern are difficulty beginning a task, difficulty maintaining attention, difficulty completing tasks/assignments, and lacks self-control.

2. The prior written notice, (PWN) generated following the IEP team meeting on September 27, 2024, reflects the purpose of the meeting was to convene an IEP referral meeting. The PWN reflects the IEP team including the complainant reviewed the student's file, attendance records, October 2024 general education progress report, September 2024 iReady math assessment results, and input from teachers and parents. The IEP team determined that the student did not have a suspected disability that significantly impacts his educational performance. The team referred the student to the 504<sup>1</sup> Team for further evaluation and support.
3. The PWN developed on January 23, 2025, reflects the student is suspected of having a disability that is significantly impacting his academic performance. Parental consent was specifically obtained to address social, emotional, and behavioral needs. The IEP team reviewed multiple sources of information, including the student's file, the 504 Plan, general education progress report, September 2024 iReady data, September 2024 Dynamic Indicators of Basic Early Literacy Skills (DIBELS) data, teacher and parental input, and team discussions. The IEP Team proposed and agreed to conduct assessments in the following areas: social, emotional, and behavioral development; reading; mathematics; written language; intellectual and cognitive functioning; and a Functional Behavior Assessment (FBA).
4. On January 23, 2025, the Notice and Consent for Assessment form was developed. The complainant provided consent on February 3, 2025. The Notice and Consent for Assessment form reflects the student will be assessed in the following areas:
  - reading,
  - writing,
  - mathematics,
  - cognitive,
  - social/emotional, and
  - Functional Behavior Assessment (FBA)
5. The IEP team meeting notice developed on March 4, 2025, reflects the IEP team proposed to convene on March 18, 2025, for the purpose of:
  - review existing information to determine the need for additional data
  - review written referral and/or existing data and information, and, if appropriate, determine eligibility for special education services

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<sup>1</sup> Section 504" refers to Section 504 of the Rehabilitation Act of 1973, requires public agencies to ensure that students with disabilities receive accommodations and modifications to support their learning needs.

### **DISCUSSION AND CONCLUSION:**

Upon receipt of a request for evaluation under the IDEA, the public agency may implement interventions within the regular school program, but the evaluation must also occur as soon as possible following the referral and within timelines required by State law (*Letter to Anonymous*, 21 IDELR 998, United States Department of Education Office of Special Education Programs, 1994). When a student is referred for evaluation to determine eligibility under the IDEA, in accordance with State regulations, an IEP team must meet to review existing data, information from the parent, instructional interventions and strategies, current classroom-based assessments, and observations by teachers and related service providers (COMAR 13A.05.01.06).

Based on the review, the IEP team must determine whether additional data is needed to determine if the student is suspected of being a student with a disability. The IEP team must complete the evaluation process within sixty days of parental consent for assessments and no more than ninety days from receipt of a written referral (COMAR 13A.05.01.06).

In this case, the IEP team convened on September 27, 2024, based upon a Child Find referral. The IEP team (review existing data, information from the parent, instructional interventions and strategies, current classroom-based assessments, and observations by teachers and related service providers). On January 23, 2025, the IEP team convened and reviewed additional data. On January 23, 2025, the IEP team proposed to complete assessments.

Based on Findings of Fact #1 through #5, MSDE finds the BCPS did not suspect the student is a student with a disability in September 2024. As a result, the IEP team did not continue with the evaluation process. On January 23, 2025, the IEP team reviewed current and prior data based on its review, the IEP team proposed to evaluate the student. The BCPS is still within the timelines to determine if the student is a student with a disability under the IDEA, in accordance with 34 CFR §§ 300.301-.311 and COMAR 13A.05.01.06. The BCPS is currently completing assessments. Therefore, MSDE does not find a violation.

### **TIMELINES:**

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 directly to Tracy Givens, Section Chief, Dispute Resolution at [Tracy.Givens@maryland.gov](mailto: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.

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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

c: Sonja Santelises, Superintendent, BCPS  
Christa McGonigal, Educational Specialist II, BCPS  
[REDACTED], Principal, [REDACTED] School, BCPS  
Dr. Paige Bradford, Branch Chief, Specialized Instruction, MSDE  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
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Tracy Givens, Section Chief, Dispute Resolution, MSDE  
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