

March 21, 2025



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

RE: [REDACTED]
Reference: #25-243

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 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 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 instruction, related services, supplementary aids, services, and accommodations as required by the Individual Education Program (IEP) since October 17, 2024, in accordance with 34 CFR §§ 300.101 and .323.
2. The BCPS did not ensure the proper procedures were followed when responding to a request to inspect and review the student’s educational record, in accordance with 34 CFR § 300.613.

BACKGROUND:

The student is six years old and is identified as a student with autism under the IDEA. They attend [REDACTED] School and have an IEP that requires the provision of special education instruction and related services.

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

FINDINGS OF FACT:

1. The IEP developed on October 17, 2024, requires that the student receive the following services:

- Five sessions of 10 minutes weekly of special education instruction inside the general education classroom
- One session of 30 minutes weekly of special education instruction outside the general education classroom
- Four sessions of 10 minutes weekly of speech-language services outside the general education classroom

The IEP requires the implementation of the following supplementary aids, services, and accommodations:

- Daily
 - Encourage students to ask for assistance when needed
 - Frequent eye contact/proximity control
 - Social skills training
 - Provide frequent changes in activity or opportunities for movement
 - Use of positive/concrete reinforcers
 - Provide manipulatives and/or sensory activities to promote listening and focusing skills
 - Supports for positive behavior choices
 - Strategies to initiate and sustain attention
 - Preferential seating
 - Adult support
- Monthly: speech-language consult
- Weekly (as needed): social work consult
- Quarterly: psychologist consult

2. While there is some documentation that the student has been provided with special education instruction outside the general education classroom since November 2024, the documentation does not reflect the length of time that it was provided.

There is no documentation that the student has been provided with special education instruction inside the general education classroom as required by the IEP since October 17, 2024.

3. While there is some documentation that the BCPS has provided speech-language services and speech-language consult as required by the IEP since October 17, 2024, it does not demonstrate consistent provision.

4. While there is documentation referencing the provision of supplementary aids, services, and accommodations it does not demonstrate consistent provision as required by the IEP since October 17, 2025. The documentation does not provide specific dates of delivery or student work samples reflecting consistent implementation.
5. There is documentation that the BCPS has provided the social work and psychologist consult as required by the IEP since October 17, 2024.

CONCLUSIONS:

Provision of Special Education Instruction, Speech-Language Services, Supplementary Aids and Services and Accommodations

Based on Findings of Fact #1 through #4, MSDE finds that the BCPS has not ensured that the student was provided with the special education instruction, speech-language services, supplementary aids, services, and accommodations as required by the IEP since October 17, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation.

Social Work and Psychologist Consult

Based on Findings of Fact #1 and #5, MSDE finds that the BCPS has ensured that the student was provided with the social work and psychologist consult as required by the IEP since October 17, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds no violation.

**ALLEGATION #2 RESPONDING TO A REQUEST TO INSPECT AND REVIEW THE STUDENT'S
EDUCATIONAL RECORD**

FINDINGS OF FACT:

6. On January 28, 2025, and January 29, 2025, the complainant emailed the BCPS requesting to receive "all record of sessions attended and missed" for speech-language services. On the same date the BCPS responded to the complainant, "In preparation for the meeting, we will provide an account of services [the student] has received, including any documentation of missed services."
7. On January 31, 2025, the complainant emailed the BCPS requesting to receive "all record of sessions attended and missed" for speech-language services.
8. On February 6, 2025, the BCPS emailed the complainant speech-language service and "OGE" [Outside General Education] service logs.

CONCLUSION:

Based on Findings of Fact #6 through #8, MSDE finds that the BCPS did ensure the proper procedures were followed when responding to a request to inspect and review the student's educational record, in accordance with 34 CFR § 300.613. Therefore, MSDE finds no 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.

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, 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 May 30, 2025, that the IEP team has convened and determined whether the violation related to the lack of speech-language services, provision of special education services, supplementary aids, services, and accommodations 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 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 May 30, 2025, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for providing speech-language services, supplementary aids, services, and accommodations, under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance and document provision of services.

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.

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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 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] School, 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