

April 4, 2025



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

RE: [REDACTED]
Reference: # 25-247

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 February 6, 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 did not follow proper procedures when identifying and evaluating the student to determine if the student is a student with a disability requiring special education and related services since February 2024, in accordance with 34 CFR §§ 300.301-.311 and COMAR 13A.05.01.06.
2. The BCPS has not developed an Individualized Education Program (IEP) that addresses the student’s identified school avoidance, aversions to loud noises and sensory support during fire drills needs since February 2024, in accordance with 34 CFR § 300.324.
3. The BCPS has not ensured that the student was provided with the special education services, supplementary aids, services, and accommodations as required by the IEP since the start of the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101 and .323.

4. The BCPS has not ensured that the complainant was provided with quarterly progress reports toward achieving the annual IEP goals measured in the manner required by the IEP, since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320.
5. The BCPS has not ensured that the IEP team meetings convened since February 2024 included the required participants, in accordance with 34 CFR § 300.321.
6. The BCPS has not ensured that the complainant was provided with accessible copies of each assessment, report, data chart, draft IEP, or other documents the IEP team planned to discuss at the IEP team meetings at least five business days before the scheduled meetings since February 2024, in accordance with COMAR 13A.05.01.07.
7. The BCPS did not provide the complainant with a copy of the IEP document within five business days after the IEP team meetings since February 2024, in accordance with COMAR 13A.05.01.07.
8. The BCPS did not follow proper procedures when responding to a request for an IEP team meeting on December 17, 2024, in accordance with 34 CFR § 300.503.

BACKGROUND:

The student is 11 years old and is identified as a student with autism under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The student was supported by a 504 Plan¹ from January 6, 2021, to October 8, 2024.
2. On December 15, 2023, the BCPS emailed the complainant. The email reflects that the BCPS had concerns regarding the student's math and requested that the BCPS "come together as a team." The email further reflects that the complainant made a request to the BCPS to have the student assessed, since the student's last assessments were approximately five to six years old.

On January 2, 2024, the BCPS emailed the complainant. The email reflects the BCPS indicated they would need to set up a Student Support Team (SST) meeting because the student was supported by a 504 plan.

On January 10, 2024, the complainant emailed the BCPS requesting a meeting. On January 17, 2024, the BCPS responded to the complainant. The email reflects that the BCPS would schedule an SST meeting.

3. On February 6, 2024, the complainant emailed the BCPS in response to a bullying incident. The email reflects that the complainant was unsure if the student could be "convinced to come in tomorrow." She indicated that he felt unsafe.

¹ "Section 504" refers to Section 504 of the Rehabilitation Act of 1973, requiring schools to provide a free appropriate public education (FAPE) to each eligible student, including the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the student as adequately as the needs of a student without a disability are met. (34 CFR § 104.33).

On February 14, 2024, the complainant emailed the BCPS. The email reflects that the student was not able to be “convinced” to attend school.

4. On February 29, 2024, the complainant emailed the BCPS following up on the requests to schedule an “IEP team meeting.”
5. On April 18, 2024, the IEP team convened to discuss the student’s educational performance and potential need for an initial IEP. The prior written notice (PWN) generated after the meeting reflects that based on a review of the student’s current 504 plan, informal data, response to intervention, parent and teacher input, the IEP team determined that additional data was necessary to determine if the student required specialized instruction under IDEA. It is further reflected that the complainant provided consent for assessments at the meeting.

There is no documentation that the complainant was provided with the required documents five days prior to the meeting, including the current 504 plan, informal data, response to intervention data, and teacher input.

There is no documentation that the complainant raised concerns of school avoidance to the IEP team, however, the student’s attendance history reflects his record of sporadic attendance.

On May 5, 2024, the BCPS provided the complainant with the PWN.

There is documentation that the IEP chair, school counselor, special education teacher, general education teacher, school psychologist, and the complainant attended the meeting.

6. On June 6, 2024, the IEP team convened to discuss the results of the assessment reports. The PWN generated after the meeting reflects that the IEP team reviewed the results of the Woodcock Johnson IV (WJIV), Behavior Assessment System for Children, third edition (BASC-3), Autism Spectrum Rating Scales (ASRS), and Social Responsiveness Scales, second edition (SRS-2) were reviewed. The IEP team agreed that the student qualified for special education services as a student with autism.

There is no documentation that the complainant raised concerns of school avoidance to the IEP team.

On May 24, 2024, the BCPS emailed the complainant the meeting notice, Parents’ Guide to Habilitative Services, and the Maryland Procedural Safeguards.

On May 29, 2024, the complainant was provided with a psychological report.

On June 2, 2024, the complainant was provided with the educational assessment.

There is documentation that the special education teacher, general education teacher, school psychologist, assistant principal, and complainant were participants in the meeting.

There is documentation of the provision of the PWN.

7. On September 24, 2024, the IEP team convened to develop the initial IEP and discuss the need for extended school year (ESY) services. The PWN generated after the meeting reflects that IEP team reviewed each section of the IEP.

"[The BCPS] explained that in her review, [the student's] eligibility determination was completed at a team held on June 6, 2024. After initial determination, the team was to develop an initial IEP and meet to review that IEP within 30 days (July 2024) ... Since the initial team was not held over the summer to develop the initial IEP, and the school year started August 26, 2024, a delay in meeting to develop the IEP, get authorization to implement and provide services, which would have started the first day of the 2024-2025 school year, could be considered a FAPE [Free and Appropriate Public Education] violation. The team updated the IEP created in June with data from this school year. To determine FAPE, the team would need to determine if there was a loss of educational benefit. The team will need to collect data and through progress monitoring during quarter 1, determine if there was a negative impact on [the student's] progress due to services not beginning at the start of the 2024-2025 School Year. At the end of quarter 1, if data indicates loss of skills, or lack of progress, the team will need to meet again to discuss the process of compensatory services."

There is no documentation that the complainant raised concerns of school avoidance to the IEP team. However, the student's attendance history reflects his record of sporadic attendance.

On September 17, 2024, the BCPS provided the complainant with a copy of the draft IEP, Parents' Guide to Habilitative Services, and the Maryland Procedural Safeguards.

On September 25, 2024, the BCPS provided the complainant with the initial IEP and PWN from the meeting. The email reflects "implementation and services cannot begin until we have your authorization/consent to initiate."

There is documentation that the administrator/designee, special education, general education teacher, social worker, guidance counselor, and the complainant attended the meeting.

8. On September 27, 2024, the complainant emailed the BCPS. The email reflects: "The events of last year, and the dramatic impact those social interactions had on [the student's] ability to even attend school, weren't discussed in great detail at our meeting, but we know that his ability to learn is directly related to his successful engagement with peers and general stress/anxiety levels. I don't think we've included a way to help him reduce the basic external stressors that become challenges and inequities for students with autism and ADHD."

On September 29, 2024, the BCPS responded to the complainant via email. The email reflects that the BCPS offered October 8, 2024, as an IEP team meeting date, to address the complainant's concerns. It is further reflected that the parent had not yet given consent to implement the initial IEP developed on September 24, 2024.

There is documentation that the complainant agreed to the meeting date and waived their right to ten days notice and five-day notice of any documents the IEP team planned to discuss.

On October 4, 2024, the complainant was provided with the revised initial IEP.

9. On October 8, 2024, the IEP team convened to review and revise the initial IEP. The PWN generated after the meeting reflects that the IEP team made revisions to the initial IEP to reflect data from the current school year. The IEP team reviewed the updated sections of the initial IEP. In addition, it is reflected that the IEP team added additional social work services to the IEP.

The PWN does not reflect that the IEP team addressed the complainant's concerns regarding school avoidance.

On October 11, 2024, the BCPS provided the complainant with the IEP, PWN, Parents' Guide to Habilitative Services, and the Maryland Procedural Safeguards.

There is documentation that the administrator/designee, special education, general education teacher, guidance counselor, social worker, and the complainant attended the meeting.

On October 9, 2024, the complainant signed the IEP, consenting to the implementation of the initial IEP.

10. The IEP was developed on October 8, 2024. The IEP reflects the areas affected by the student's disability as math problem solving, social emotional-behavioral, and self-management.

The parental input section of the IEP reflects that "fire alarms and any type of emergency drill ... are also very stressful ... and can cause a lot of anxiety."

The IEP requires supplementary aids, services, and accommodations:

- Frequent breaks
- Extended time (1.5x)
- Daily as needed
 - Use of organizational aids
 - Advanced preparation/notice: emergency drills, change in schedule/teacher: "[The student] requires advanced preparation and notice of Emergency Drills. Efforts should be made to provide [the student] of notice of an emergency drill with no more than 15 minutes prior to an emergency drills. [The student] should also have access to noise cancelling headphones during drills, as well as being provided adult reassurance that he is safe during drills."
 - Redo assignments, trusted adult
 - Strategies to initiate and sustain attention
 - Social skills training
 - Check-in with trusted adult when/if change in teacher occurs
- Daily
 - Option for digital assignments
 - Adjustment to sensory input; noise canceling headphones
 - Preferential seating
- Periodically as needed
 - Lunch in alternative location to reduce overstimulation and anxiety

The IEP requires goals and progress to be reported quarterly:

- Math problem solving: "By September 2025, given grade level word problems including any of the four operations, as well as manipulatives, an organizer/ problem solving steps, graph paper for organization and access to a calculator for individual calculations as needed, [the student] will solve for the missing value with 80% accuracy in 3 out of 4 targeted trials."
 - October 31, 2024: Making sufficient progress to meet goal; "[The student's] IEP was put into place on 10/8/2024. Therefore, [the student] has only had 1 month to learn and produce accurate data for this goal. When given grade level word problems including any of the 4 operations as well as manipulatives, an organizer/problem solving steps, graph paper for organization, and access to a calculator for individual

calculations as needed, [the student] is able to solve for the missing value with an average of 52% accuracy (50%, 40%, 67%). This quarter, [the student] has thoroughly practiced and shown growth in adding, subtracting, and multiplying within a story problem. To align with the fifth-grade curriculum, we have primarily focused on addition, subtraction, and multiplication. Division and adding/subtracting fractions will be addressed in upcoming units. He is consistently able to use his strategies and follow problem solving steps, however, he sometimes will make minor mistakes. [The student] requires a hundreds chart and/or multiplication chart in order to stay organized when solving. Despite the short amount of time, [the student] is showing growth from the baseline. [The student] is on track to achieve this goal by the end of the implementation of the IEP.

- Social Emotional Learning: “: By October of 2025, during loosely structured and unstructured times (i.e., group work during class time, social skills group, transitions, lunch, classroom games or activities, or free time), [the student] will develop/build positive relationships and social skills (i.e. accepting others’ opinions, appropriate use of humor, positive comments, flexible thinking and active listening) in 4/6 opportunities.”
 - October 31, 2024: Newly introduced skill; progress not measurable at this time; “[The student’s] IEP was put into place on 10/8/2024, at this time the social emotional learning goal and objectives were developed. Social work services are new to this student. [The student] has participated in 2 sessions, one inside general education setting and one outside of the general education setting. He is beginning to demonstrate an understanding of session routine and expectations. He has met the outcome in each session with support. Continued work during the second quarter will target flexible thinking and active listening skills using the social thinking curriculum. Continued practice with a variety of coping and calming strategies will also be the focus to begin and end sessions.

The IEP requires:

- Three sessions of 30 minutes weekly of special education instruction in the general education classroom for math problem solving
 - Two sessions of 30 minutes monthly of social work services outside the general education classroom
11. On October 10, 2024, the complainant emailed the BCPS. The email reflects that “While [the student] was notified and removed from the classroom during yesterday’s fire drill, he was made to wait inside the building, directly under the alarm, waiting for it to go off.”
 12. On December 5, 2024, the complainant emailed the BCPS. The email reflects that “The day after our October team meeting ... the school held a fire drill, and [the student] was required to wait directly by the alarm until it went off and then allowed to leave the building.”

“Just before the fire drill held last Wednesday [November 27, 2024], [the student] was told that a drill would take place and that he had to stay inside with the rest of his class. He was given no advanced notice or preparation for this change ...”

13. On December 17, 2024, the IEP team convened to review and revise the IEP, and to discuss “the impact of the FAPE violation (delay of initiating services). The PWN generated after the meeting reflects that the IEP team determined that:

“A FAPE violation occurred because of a delay in initiation of services. INITIAL IEP REFERRAL: 01/30/2024 (Start of 90-day timeline; January 30, 2024, to April 29, 2024) INITIAL IEP TEAM to Discuss student's educational performance or potential need for special education services (initial) occurred on 04/18/2024 (79 days of the 90-day timeline). Notice and Consent for Assessments was developed on 04/18/2024 during that team meeting. IEP TEAM TO REVIEW ASSESSMENTS AND DETERMINE ELIGIBILITY was held on 06/06/2024 (176 days after Initial Referral; 38 days past the 90-day Timeline). After the team determines a student is eligible, the team reconvenes within 30 days to develop the initial IEP which would have been July 2024. A team was not held over summer 2024 to develop the IEP. The team to develop the IEP was held on September 24, 2024. [the complainant] did not feel comfortable signing the IEP at that time. Another team was scheduled for October 8, 2024, with the purpose to review/revise the initial IEP. The team, including parent, completed the development of the IEP on October 8, 2024, in which the initial IEP was finalized. Parent digitally signed consent to authorize initiation of services at that time.”

The school team considered awarding compensatory services. This was rejected because the data discussed and reviewed indicated that the student was making adequate progress toward the goals, as well as classroom progress, and grades. Furthermore, the student continued to receive accommodations and supplementary aids per his 504 plan.

There is no documentation that the complainant raised concerns of school avoidance to the IEP team.

There is no documentation that the complainant was provided with the required documents five days prior to the meeting.

On December 20, 2024, the complainant was provided the IEP and PWN from the meeting.

There is documentation that the social worker, school counselor, special education teacher, general education teacher, the IEP chair, and the complainant attended the meeting.

14. The IEP developed on October 8, 2024, and was amended on December 17, 2024. The IEP reflects the areas affected by his disabilities, supplementary aids, services, and accommodations continued.

The IEP requires goals and progress to be reported quarterly:

- Math problem solving: “By September 2025, given grade level word problems including any of the four operations, as well as manipulatives, an organizer/problem-solving steps, graph paper for organization and access to a calculator for individual calculations as needed, [the student] will solve for the missing value with 80% accuracy in 3 out of 4 targeted trials.
- Social Emotional Learning: “: By October of 2025, during loosely structured and unstructured times (i.e., group work during class time, social skills group, transitions, lunch, classroom games or activities, or free time), [the student] will develop/build positive relationships and social skills (i.e. accepting others’ opinions, appropriate use of humor, positive comments, flexible thinking and active listening) in 4/6 opportunities.”

There is documentation that on January 24, 2025, progress for the math problem-solving and social-emotional learning goals was reported and measured as required by the IEP.

The IEP requires:

- Three sessions of 30 minutes weekly of special education instruction in the general education classroom for math problem-solving
- Two sessions of 30 minutes monthly of social work services outside the general education classroom
- One session of 30 minutes weekly of social work services outside the general education classroom

15. There is no documentation that the complainant requested an IEP team meeting on December 17, 2024.

16. On December 18, 2024, the complainant emailed the BCPS. The email reflects:

“At yesterday’s IEP team meeting, [BCPS] mentioned the fire department would no longer allow students to be outside the building before the alarm went off ... The data that was shown during the meeting yesterday documents the staff’s belief that [the student] knows how to respond to drills and has demonstrated an ability to do so when required.”

On December 20, 2024, the BCPS responded to the complainant offering to set up a meeting to discuss her concerns regarding the fire department's policy.

17. On February 18, 2025, the BCPS emailed the complainant. The email reflects that “[the student] will be notified of the drill in advance, he will come to the office before the drill begins (he does not require an escort), and he will exit/remain with office staff until the drill has concluded.”

18. There is documentation of the provision of special education and social work services as required by the IEP since October 8, 2024.

19. There is documentation that the student used the required fire drill related accommodations including advance notice and the use of noise-canceling headphones on the following dates:

- September 9, 2024 (prior to initial IEP implementation)
- October 9, 2024
- October 30, 2024
- November 27, 2024
- December 18, 2024
- February 4, 2025
- February 25, 2025

20. There is documentation that the student has used the lunch in an alternative location, check-in with a trusted adult, and social skills training accommodations on the following dates:

- October 21, 2024
- January 8, 2025
- January 19, 2025
- February 13, 2025
- February 24, 2025

21. There is documentation of the provision of supplementary aids, services, and accommodations as required by the IEP since October 8, 2024.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1

INITIAL EVALUATION PROCEDURES

In this case the complainant requested an IEP team meeting on February 29, 2024, as a follow up to previous requests made outside the timeline of this investigation. On April 18, 2024, the IEP team agreed to conduct additional assessments as part of the eligibility process. On June 6, 2024, the IEP team determined the student eligible for special education services. On October 8, 2024, the IEP team developed an initial IEP. On October 9, 2024, the complainant agreed to the implementation of the initial IEP. Both the request for an initial referral (February 29, 2024) and the development of the initial IEP (October 8, 2024), were significantly beyond the timelines.

The public agency or the parent may request that an IEP team meeting be convened at any time to review a student's program, determine the appropriate services, and discuss the provision of services. If the parent requests a meeting, the public agency must either convene an IEP team meeting or provide the parent with written notice, within a reasonable time, to explain why the agency has determined that conducting the meeting is not necessary to ensure the provision of FAPE (34 CFR §§ 300.324 and .503).

When the IEP team determines that the child has a disability and needs special education and related services, the IEP team must meet within 30 days of the initial evaluation to develop the child's IEP (34 CFR § 300.323(c) and COMAR 13A.05.01.08A(1)).

Based on Findings of Fact #1, #2, #4 through #10, and #13, MSDE finds that the BCPS did not follow proper procedures when identifying and evaluating the student to determine if the student is a student with a disability requiring special education and related services since February 2024, in accordance with 34 CFR §§ 300.301-.311 and .323 and COMAR 13A.05.01.06. Therefore, MSDE finds a violation.

Notwithstanding the violation, based upon Finding of Fact #13, MSDE finds that BCPS convened an IEP team meeting on December 17, 2024, to discuss the violation and determined that the student did not require compensatory services, therefore, no further student-specific corrective action is required.

ALLEGATION #2

IEP DEVELOPMENT

In this case the school staff should have known that school avoidance was a concern due to the student's attendance. Additionally, there is documentation that the complainant raised concerns regarding the student attending school to school staff on February 6, 2024, and on September 27, 2024. There is no documentation that the concern was addressed by the IEP team, or that the IEP team considered school avoidance to be a possible area of need.

In this case the complainant raised concerns that the student was not being removed from the school building prior to scheduled fire drills. However, there is no documentation that the student's IEP requires removal from the school building prior to a scheduled fire drill.

Based on Findings of Fact #3, #5 through #9, and #13, MSDE finds that the BCPS did not address the complainant's concern about school avoidance in the April 18, 2024, and October 8, 2024, IEP team meetings. Therefore, the IEP did not determine if the student's school avoidance is an area of need and should be addressed by the IEP, since February 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE finds a violation.

Based on Findings of Fact #10 through #12, #14, #16, and #17, MSDE finds that the BCPS has developed an IEP that addresses the student's identified aversions to loud noises and sensory support needs during fire drills since February 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

ALLEGATION #3 **PROVISION OF SPECIAL EDUCATION SERVICES, SUPPLEMENTARY AIDS, SERVICES, AND ACCOMMODATIONS**

In this case the complainant alleged that services were not implemented since the start of the 2024-2025 school year, however, the initial IEP went into effect on October 9, 2024, after parental consent was obtained.

Based on the violation discussed in Allegation #1, the student did not have an IEP at the start of the school year. Therefore, there was no IEP available to implement at the start of the school year.

Based on Findings of Fact #10, #14, #18 through #21, MSDE finds that the BCPS has ensured that the student was provided with the special education services, supplementary aids, services, and accommodations as required by the IEP since October 9, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

ALLEGATION #4 **REPORTING OF PROGRESS MEASURED IN THE MANNER REQUIRED BY THE IEP**

Based on Findings of Fact #10 and #14, MSDE finds that the BCPS has ensured that the complainant was provided with quarterly progress reports toward achieving the annual IEP goals measured in the manner required by the IEP, since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320. Therefore, MSDE does not find a violation.

ALLEGATION #5 **REQUIRED PARTICIPANTS**

The IEP team must include the student's parent, at least one regular education teacher of the student if the student is, or may be, participating in the regular education environment, at least one special education teacher of the student, a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, is knowledgeable about the general education curriculum, and about the availability of resources of the public agency, an individual who can interpret the instructional implication of evaluation results, at the discretion of the parent or public agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate, and the student when appropriate (34 CFR § 300.321).

Based on Findings of Fact #5 through #7, #9, and #13, MSDE finds that the BCPS has ensured that the IEP team meetings convened since February 2024 included the required participants, in accordance with 34 CFR § 300.321. Therefore, MSDE does not find a violation.

ALLEGATION #6

PROVISION OF IEP DOCUMENTS FIVE DAYS PRIOR TO IEP MEETING

The public agency shall provide the parent of a student with a disability an accessible copy of each assessment, report, data chart, draft IEP, or other document the IEP team or other multidisciplinary team plans to discuss at that meeting, at least 5 business days before the scheduled meeting; and the completed IEP not later than 5 business days after a scheduled IEP or other multidisciplinary team meeting (COMAR 13A.05.01.07).

In this case the IEP team convened on April 18, 2024, with the purpose of determining the need for initial evaluations. During this meeting the IEP team reviewed the current 504 plan, informal data, response to intervention data and teacher input, which should have been provided at least five days prior to the complainant. On June 6, 2024, the IEP team convened with the purpose of reviewing assessments. On June 2, 2024, the complainant was provided with the educational assessment. There is documentation that the complainant waived her right to receive the required documents five days prior to the October 8, 2024, IEP team meeting.

October 8, 2024

Based on Finding of Fact #8, MSDE finds that the BCPS was not required to provide the complainant with accessible copies of each assessment, report, data chart, draft IEP, or other documents that the IEP team planned to discuss at the IEP team meetings at least five business days before the scheduled meetings on October 8, 2024, because the complainant waived this right, in accordance with COMAR 13A.05.01.07. Therefore, MSDE does not find a violation.

April 18, 2024, June 6, 2024, and December 17, 2024

Based on Findings of Fact #5, #6, and #13, MSDE finds that the BCPS has not ensured that the complainant was provided with accessible copies of each assessment, report, data chart, draft IEP, or other documents that the IEP team planned to discuss at the IEP team meetings at least five business days before the scheduled meetings on April 18, 2024, June 6, 2024, October 8, 2024, and December 17, 2024, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

September 24, 2024

Based on Finding of Fact #7, MSDE finds that the BCPS has ensured that the complainant was provided with accessible copies of each assessment, report, data chart, draft IEP, or other document the IEP team planned to discuss at the IEP team meetings at least five business days before the scheduled meeting on September 24, 2024, in accordance with COMAR 13A.05.01.07. Therefore, MSDE does not find a violation.

ALLEGATION #7

PROVISION OF IEP DOCUMENTS FIVE DAYS AFTER AN IEP MEETING

In this case the IEP team convened on April 18, 2024, the complainant was provided with the PWN on May 5, 2024. This IEP team meeting did not result in an IEP.

The public agency shall provide the parent of a student with a disability with the completed IEP not later than 5 business days after a scheduled IEP or other multidisciplinary team meeting (COMAR 13A.05.01.07).

Based on Findings of Fact #5 through #7, #9 and #13, MSDE finds that the BCPS did provide the complainant with a copy of the IEP document within five business days after the IEP team meetings on April 18, 2024, June 6, 2024, September 24, 2024, October 8, 2024, and December 17, 2024, in accordance with COMAR 13A.05.01.07. Therefore, MSDE does not find a violation.

ALLEGATION #8 **PROPER PROCEDURES FOR RESPONDING TO A REQUEST FOR AN IEP TEAM MEETING ON DECEMBER 17, 2024**

Based on Finding of Fact #15, MSDE finds that the BCPS did follow proper procedures when responding to a request for an IEP team meeting on December 17, 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE does not find 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.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.² 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.³ 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 June 27, 2025, that the IEP team has convened to determine if school avoidance is an area of need and determined whether the violation related to IEP development, and the provision of required IEP documents prior to an IEP team meeting 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.

² 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, 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.

³ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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 June 27, 2025, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for proper procedures for initial evaluations, IEP development, and provision of IEP documents prior to an IEP team meeting under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance and document the 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 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.

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/sd

c: Dr. Myriam Rogers, Superintendent, BCPS
Charlene Harris, Supervisor of Compliance, Department of Special Education, BCPS
Dr. Jason Miller, Coordinator, Special Education Compliance, BCPS
Norma Villanueva, Compliance Specialist, BCPS
[REDACTED], School 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