

April 7, 2025



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

RE: [REDACTED]
Reference: #25-257

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 13, 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 parent was provided with quarterly progress reports toward achieving the annual Individualized Education Program (IEP) goals since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320.
2. The BCPS did not ensure that proper procedures were followed before determining the student was no longer eligible for special education services under the IDEA, since February 2024, in accordance with 34 CFR §§ 300.303 - .306, and COMAR 13A.05.01.06.

BACKGROUND:

The student is nine years old. She attends [REDACTED] School; the student was exited from speech-language services during the 2024-2025 school year.

FINDINGS OF FACT:

1. The student's IEP in effect at the beginning of the 2024-2025 school year was developed on March 20, 2024. The IEP required goals to be reported quarterly in the areas of articulation: "By annual IEP date, given faded visual cues, models, and prompts, [the student] will demonstrate the ability to correctly produce target sounds in structured therapy tasks. Sounds to include vocalic /r/; /br/, /dr/, /fr/, /gr/, /kr/, and /pr/."

 - Method of measurement: data collection
 - Criteria (Mastery and Retention): 75% accuracy
 - Progress was reported on October 31, 2024, and January 24, 2025
 - There is no criteria for retention

2. On November 15, 2024, the complainant was emailed the student's quarter one progress report.

3. On November 21, 2024, the complainant emailed the BCPS. On the same date BCPS emailed the BCPS in response to the complainant's email. The email reflects "[the student's] mom is interested in her being assessed for leaving speech... she emailed permission."

There is no documentation that the BCPS responded to the complainant's request.

4. On December 12, 2024, the speech-language pathologist conducted a speech-language informal assessment.

The results of the informal assessment are reflected in the Review of Existing Data (RED) for Reevaluation form, provided to the parent as part of the required documents for the January 15, 2025, IEP team meeting.

5. On January 15, 2025, the IEP team convened to conduct re-evaluation planning and consider the dismissal of the student from special education services. The prior written notice (PWN) generated after the meeting reflects that the IEP team reviewed the RED for Reevaluation form, which included the same information that was provided in the student's January 25, 2025, quarter two articulation progress report. The IEP team also reviewed the Speech-Language Impairment Eligibility Tool, informal/formal assessments, observation and teacher input.

The PWN further reflects that the BCPS Speech-Language Pathologist shared

"the student had mastered her speech sound production goal and objectives. The student communicates at a conversational level using appropriate speech-sound production. The student no longer meets criteria of a student with a speech-language impairment and is exited from speech therapy... the teacher and parent are in agreement."

The PWN reflects that the parent was provided "the reviewed documents at least five days prior" to the meeting. The PWN reflects that the IEP facilitator/special education teacher, general education teacher, speech-language pathologist, and the complainant were in attendance at the meeting.

The Notice and Consent for Assessment form reflects that no assessments were required, and that teacher input, speech therapy notes, and quarterly progress reports were considered.

The RED for Reevaluation form reflects the Summary of Current Data:

- Academic performance, cognitive, motor abilities, social-emotional behavioral, health (vision and hearing): reviewed; not an area of concern
- Communication: “[The student] received an informal assessment as well as treatment for her targeted goals. Results... [The student] is able to produce vocalic and prevocalic /r/ in all positions of words at sentence, reading and conversational level with 100% accuracy. She was also able to produce /r/ blends in the initial position of words in sentences and conversational spontaneous level with 100% accuracy. [The student] was able to produce /r/ in all positions of words, phrases, sentences, reading, and conversational levels independently and spontaneously with 100% accuracy. She was also able to produce age-appropriate sounds such as /s/ blends, /r/ blends, /l/ blends in the initial and medial position of words spontaneously and within structured tasks with stories and reading implemented. She has met all her goals for speech.”

The Speech-Language Impairment Eligibility Tool reflects that the IEP team determined that the student does not require specially designed instruction to make adequate progress in the educational program, and that the student does not meet all IDEA criteria as a student with a speech-language impairment.

The Eligibility Determination Form reflects that the student does not require specially designed instruction in order to make progress in school, the student is not eligible as a student with a disability as defined by IDEA, and that the student was dismissed from “all special education and related services” at this IEP team meeting. In addition, to the forementioned, the document basis for the decision is that the BCPS Speech-Language Pathologist reported that the student “has mastered her speech sound production goal and objectives. She communicates at a conversational level using appropriate speech-sound production. She no longer meets the criteria of a student with a speech-language impairment and is exited from speech therapy...the school team is in agreement.” The Eligibility Determination Form also reflects that the determinant factor for the determination is not the result of a lack of appropriate instruction in reading, math, or a limited English proficiency.

On January 7, 2025, the complainant was provided with the Notice of Documents, RED for reevaluation form, and the Student Profile Report.

On January 15, 2025, the complainant was provided with the PWN, Notice and Consent for Assessments form, Speech-Language Impairment Eligibility Tool, and Eligibility Determination Form.

6. On February 5, 2025, the complainant was provided with a copy of the student’s speech-language therapy records.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1 PROVISION OF PROGRESS REPORTS

In this case, the complainant was provided the quarter one articulation progress reports on November 15, 2024. The complainant was provided the quarter two articulation progress report as a component of the information provided in the RED for Reevaluation form, which was provided and reviewed as part of the January 15, 2025, IEP team meeting.

Based on Findings of Fact #1, #2, and #5, MSDE finds that the BCPS has ensured that the parent was provided with quarterly progress reports toward achieving the annual IEP goals since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320. Therefore, MSDE does not find a violation.

ALLEGATION #2 PROPER PROCEDURES FOR CONDUCTING A REEVALUATION OF THE STUDENT

The IDEA requires that the IEP address the needs that arise from the student's disability regardless of the category of disability determined by the IEP team. When conducting a reevaluation, the public agency must ensure that the student is assessed in all areas related to the suspected disability, and that the reevaluation is sufficiently comprehensive to identify all of the student's special education and related services' needs, whether or not commonly linked to the disability category in which the student has been classified. A variety of assessment tools and strategies must be used to gather relevant functional, developmental, and academic information about the student, including information provided by the parents, to assist the team in determining whether the student is a student with a disability and in determining the content of the student's IEP (34 CFR § 300.304).

As part of the reevaluation, the IEP team must review existing data, including evaluations and information provided by the parents, current classroom-based, local, or State assessments, classroom-based assessments, and observations by teachers and related service providers. On the basis of that review, and input from the student's parents, the team must identify what additional data, if any, are needed to determine whether the student continues to meet the criteria for identification as a student with a disability and whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals in the IEP (34 CFR § 300.305 and COMAR 13A.05.01.06).

A public agency shall ensure that a reevaluation of each student with a disability is conducted as part of that reevaluation a public agency is not required to conduct assessment procedures, unless requested to do so by the student's parent (COMAR 13A.05.01.06).

A report of assessment procedures administered to a student in each area of suspected disability shall be available to the parents and to the IEP team at the time of the evaluation. Each report of assessment procedures shall be written, dated, and signed by the individual who conducted the assessment. Furthermore, each report of assessment procedures shall include a description of the student's performance in each area of suspected disability, relevant information, Instructional implications for the student's participation in the general curriculum, and a description of the extent to which assessment procedures were not conducted under standard conditions (34 CFR § 300.304(c) (COMAR 13A.05.01.05)).

In this case, on November 21, 2025, the complainant requested speech-language assessments. On December 12, 2024, a speech-language informal assessment was completed. However, this informal assessment does not meet the requirements under the definition of a report of assessment. While the January 15, 2025, IEP team determined that additional assessments were not required in making the determination to dismiss the student from special education services, there was an obligation to conduct speech-language assessments due to the parent's request of them.

Based on Findings of Fact #1, #3 through #6, MSDE find that the BCPS did not ensure that proper procedures were followed before determining the student was no longer eligible for special education services under the IDEA, since February 2024, in accordance with 34 CFR §§ 300.303 - .306, and COMAR 13A.05.01.06. 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.

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 June 27, 2025, that the speech-language assessment requested by the complainant be conducted, the IEP team has convened to review the speech-language assessment data and determined the student's eligibility under IDEA. 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 conducting assessments in response to a parent's request during the dismissal from services process, 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.

¹ 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.

² 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 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 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