

April 7, 2025

[REDACTED]

Dr. Allison Myers
Executive Director
Special Education Services
Baltimore County Public Schools
105 W Chesapeake Avenue
Towson, Maryland 21204

Re: [REDACTED]
Reference: #25-263

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 February 14, 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 School System (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 has not ensured the student has been provided with the supplementary aid and services required by the Individualized Education Program (IEP), in accordance with 34 CFR §§ 300.101 and .323. Specifically, the complainant alleged the student was not provided:

- a. Occupational Therapy (OT) services¹ since the beginning of the 2024-2025 school year
- b. Adult support since February 1, 2025
- c. Toileting plan support since February 1, 2025.

BACKGROUND:

The student is 7 years old and is 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.

¹ The complainant clarified that MSDE should investigate all OT services as required by the IEP.

FINDINGS OF FACT:

1. The IEP in effect at the beginning of the 2024-2025 school year, was developed on May 7, 2024, and amended on June 5, 2024. The IEP reflects that communication, fine motor, gross motor, math calculation, social/emotional/behavioral, reading phonics, and sensory processing strategies are areas impacted by the student's disability.

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

- Dally - Adult "One-to-one additional adult support is required during lunch. The additional adult will support [the student] with the opening of food items and will assist with his toileting schedule. [The student] requires prompting with when to sit on the toilet. One-to-one additional adult support is required during transitions within the building in order to assist with continued cues for attention and during emergency evacuation to ensure that [the student] exits the building safely. One-to-one additional adult support is required for [the student] attention to task, to encourage his work completion and to not avoid non-preferred tasks. The additional adult will use a specific reinforcement system to support [Student] in task completion."
- Monthly - OT consult "The occupational therapist will provide monthly consultation to the classroom teacher and relevant staff members (i.e., AA) in addition to direct services to promote the carryover of fine motor and sensory processing strategies and skills that Liam is working on within his occupational therapy sessions."

The IEP requires OT:

- 30 minutes per week outside of the general education setting
 - twice per month for 15 minutes per session inside of the general education setting
2. While there is some documentation of the provision of OT services, there is no documentation that the student was consistently provided with OT services since the beginning of the 2024-2025 school year as required by the IEP.
 3. There is no documentation that the student was provided with adult support, since February 1, 2025, as required by the IEP.
 4. There is no documentation that the student was provided with support related to the toileting plan since February 1, 2025, as required by the IEP.

CONCLUSION:

Based on Findings of Fact #1 through #4, MSDE finds that the BCPS has not ensured the student has been provided with OT services and consultation, since the beginning of the 2024-2025 school year, adult and toileting plan supports since February 1, 2025, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that the State complaint procedures include those for 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 timeframes 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 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.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 13, 2025, that the IEP team has taken the following actions:

- a. Provided the student with OT services, adult and toileting support.
- b. MSDE requires the IEP team to convene and determine the amount and nature of compensatory services or other remedies to redress the violations and develop a plan for the provision of those services within one year of the date of this Letter of Findings.

The BCPS must ensure that the complainant 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.

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. Request for reconsideration should be sent directly 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.

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, 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 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/ra

c: Dr. Myriam Rogers, Superintendent, BCPS
Dr. Jason Miller, Coordinator, Special Education Compliance, BCPS
Norma Villanueva, Compliance Specialist, BCPS
[REDACTED], Principal, [REDACTED] School, BCPS
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Rabiatu Akinlolu, Complaint Investigator, MSDE