

April 15, 2025



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

RE: [REDACTED]  
Reference: #25-269

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 21, 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 is investigating the following allegations:

1. The BCPS did not ensure the proper procedures were followed when responding to a request to inspect and review the student’s education record since June 2024, in accordance with 34 CFR § 300.613.
2. The BCPS did not provide written invitations to Individualized Education Program (IEP) team meetings held since the beginning of the 2024-2025 school year that included information about the purpose of the meetings, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D.
3. The BCPS has not ensured that the student’s progress towards achievement of the annual goals were measured as described in the IEP since the beginning of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .320.
4. The BCPS did not follow proper procedures in responding to a request for amendment of the student’s education record made since the beginning of the 2024-2025 school year, in accordance with 34 CFR §§ 300.618 - .620.

5. The BCPS has not ensured that the student has been consistently provided with the special education instruction and supplementary aids and services required by the IEP since June 2024 in accordance with 34 CFR §§ 300.101 and .323.
6. The BCPS did not follow proper procedures when conducting an IDEA evaluation, by providing the student extended time during the assessment, since August 2024, in accordance with 34 CFR §§ 300.303- .311, and COMAR 13A.05.01.06.

**BACKGROUND:**

The student is 12 years old and is a student with an Other Health Impairment (OHI) under the IDEA. She attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1**

**ACCESS TO STUDENT RECORDS**

**FINDING OF FACT:**

1. There is no documentation to support the complainant's allegation that a request was made to inspect and review the student records in June 2024.

**CONCLUSION:**

Based on Finding of Fact #1, MSDE finds that a request to inspect and review student records was not made by the complainant. As a result, procedures to respond to a request to inspect and review the student's education record were not triggered, in accordance with 34 CFR § 300.613. Therefore, MSDE does not find a violation.

**ALLEGATION #2**

**PROVISION OF IEP TEAM MEETING NOTICE**

**FINDING OF FACT:**

2. The IEP team meeting notices drafted and sent to the complainant since August 2024, include information about the purpose of the meetings.

**CONCLUSION:**

Based on Finding of Fact #2, MSDE finds that the BCPS did provide a written invitation to IEP team meetings held since August 2024, that included information about the purpose of the meetings, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D. Therefore, MSDE does not find a violation.

**ALLEGATIONS #3 and #5**

**REPORTING OF PROGRESS and PROVISION OF SPECIAL  
EDUCATION INSTRUCTION**

**FINDINGS OF FACT:**

3. The IEP developed on June 4, 2025, was amended on October 15, 2024, and December 17, 2024. The IEP reflects that self-management [e.g., executive functioning, organization, attention, etc.], and math calculation are areas impacted by the student's disability.

The IEP reflects that progress towards achieving annual IEP goals will be issued quarterly.

The IEP requires four hours and ten minutes per week of special education instruction inside the general education setting to be provided by the special education teacher, general education teacher, and/or instructional assistant.

The IEP requires five hours per week of special education instruction outside the general education setting to be provided by the special education teacher.

The IEP requires Extended School Year (ESY). The IEP requires 1–45-minute session per day of special education instruction outside the general education setting to be provided by the special education teacher.

The IEP requires supplementary aids and services:

- Daily – use of manipulatives, strategies to initiate and sustain attention, use of positive concrete reinforcers frequent eye contact/proximity control, social/behavior supports, break down assignments into smaller units, home school communication system, preferential seating, and sensory strategies
- Weekly – have student repeat and/or paraphrase information, provide student with a copy of student/teacher notes, adult support
- Monthly - Social Work consult with teacher/staff/parent
- Quarterly - Occupational Therapist consult

**Amended IEP October 2024**

- Periodically – flash pass “to use as needed to take periodic breaks as needed, within the parameters decided upon by the IEP team.”

The IEP does not require bathroom breaks.

4. The self-management goal reflects “Given practice, a model, time to organize her materials, and reduced prompting, [the student] will improve self-regulation by planning, organizing, and prioritizing tasks in order to filter distractions and stay focused on and complete the task at hand in 4 out of 5 opportunities as measured by observation records by June 2025.”
  - The method of measurement is classroom-based assessments and classroom-based activities.
  - The criteria (mastery and retention) are 75% accuracy in 3 out of 4 targeted trials.

The progress reported on October 23, 2024, reflects “[the student] will improve self-regulation by organizing, materials needed for the task at hand in 4 out of 5 opportunities with 60% accuracy, via the data on her point sheets.”

The progress reported is not measured as required by the IEP. The progress reported does not reflect the data used as the method of measurement.

The progress reported on January 17, 2025, reflects “[The student] will improve self-regulation by organizing, materials needed for the task at hand in 4 out of 5 opportunities with 65% accuracy, via the data on her point sheets.”

The progress reported is not measured as required by the IEP. The progress reported does not reflect the data used as the method of measurement.

5. The math calculation fraction goal reflects “Given direct instruction and access to manipulatives, [the student] will apply an understanding of number operations to add, subtract, multiply and divide fractions with unlike denominators with 75% accuracy in 3 out of 4 targeted trials as measured by classroom-based activities/assessments by June 2025.”
  - The method of measurement is classroom-based assessments and classroom-based activities.
  - The criteria (mastery and retention) are 75 % accuracy in 3 out of 4 targeted trials.

The progress reported on October 23, 2024, reflects “[The student] can apply an understanding of number operations to add fractions with, unlike denominators in 3 out of 4 trials with 60% accuracy.”

The progress reported is not measured as required by the IEP. The progress reported does not reflect the data used as the method of measurement.

6. The math calculation division goal reflects “Given direct instruction, access to manipulatives and calculation device, [the student] will divide multi-digit numbers (2–4-digit dividends) using the standard algorithm with 75% accuracy in 3 out of 4 targeted trials as measured by classroom-based activities/assessments by June 2025.”
  - Method of Measurement: classroom-based assessments and classroom-based activities.
  - Criteria (Mastery and Retention): With 75 % Accuracy in 3 out of 4 targeted trials.

The progress reported on October 23, 2024, reflects “[The student] can fluently divide a 1-digit divisor into a 4-digit dividend in 3 out of 4 trials with 75% accuracy. MCAP MATH 6 724.”

The progress reported is not measured as required by the IEP. The progress reported does not reflect the data used as the method of measurement.

7. There is documentation that the progress reported on January 17, 2024, for the math calculation fractions, math calculation division goals, are measured as required using the required methods of measurement included on the goal.
8. There is documentation that the student has been provided with special education instruction and supplementary aids and services as required by the IEP.

## **CONCLUSIONS:**

### **Reporting of Progress**

Based on Finding of Fact #4, MSDE finds that the BCPS did not ensure that the student’s progress towards achievement of the annual self-management goals was measured as described in the IEP on October 23, 2024, and January 17, 2025, in accordance with 34 CFR §§ 300.101 and .320. Therefore, MSDE finds a violation.

Based on Findings of Fact #5 and #6, MSDE finds that the BCPS did not ensure that the student's progress towards achievement of the annual math calculation fraction and math calculation division goals were measured as described in the IEP on October 23, 2024, in accordance with 34 CFR §§ 300.101 and .320. Therefore, MSDE finds a violation.

Based on Finding of Fact #7, MSDE finds that the BCPS did ensure that the student's progress towards achievement of the annual math calculation fraction and math calculation division goals were measured as described in the IEP on January 17, 2025, in accordance with 34 CFR §§ 300.101 and .320. Therefore, MSDE does not find a violation.

#### **Provision of Special Education Instruction and Supplementary Aids and Services**

Based on Finding of Fact #8, MSDE finds that the BCPS has ensured that the student has been consistently provided with the special education instruction and supplementary aids and services as required by the IEP since June 2024 in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

#### **ALLEGATION #4**

#### **REQUEST TO AMEND STUDENT RECORDS**

##### **FINDING OF FACT:**

9. There is no documentation to support the allegation that the complainant made a request for an amendment to the student record.

##### **CONCLUSION:**

Based on Finding of Fact #9, MSDE finds that a request to amend the student's records was not made. As a result, procedures to respond to a request for an amendment were not triggered, in accordance with 34 CFR §§ 300.618 - .620. Therefore, MSDE does not find a violation.

#### **ALLEGATION #6**

#### **EVALUATION PROCEDURES**

##### **FINDING OF FACT:**

10. There is no documentation to support the allegation that the BCPS did not follow proper procedures when conducting an IDEA evaluation.

##### **CONCLUSION:**

In this case, the complainant alleges that he was informed that the BCPS staff who administered the assessment provided the student with additional time. As a result, the complainant raised concerns about the validity of the assessment. MSDE found no documentation that the student was provided extended time.

Based on Finding of Fact #10, MSDE finds that there is no documentation that the student was not provided extended time. Therefore, BCPS did follow proper procedures when conducting an IDEA evaluation, by not providing the student with extended time during the assessment, since August 2024, in accordance with 34 CFR §§ 300.303- .311, and COMAR 13A.05.01.06. Therefore, MSDE does not find a violation.

### **CORRECTIVE ACTIONS AND TIMELINES:**

The IDEA requires that 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.<sup>1</sup> 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 Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

#### **Student-Specific**

MSDE requires the BCPS to provide documentation by June 30, 2025, that the IEP team has taken the following action:

- a. Ensured that the student's progress towards obtaining annual goals is measured in the manner required by the IEP; and
- b. Convened and determined whether the violation identified in this Letter of Findings 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 BCPS to provide professional development on proper progress monitoring on annual goals by June 30, 2025, for special education staff, including related services personnel.

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<sup>1</sup> 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.

<sup>2</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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.

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  
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], BCPS  
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE  
Dr. Brian Morrison, Branch Chief, Accountability and Data, MSDE  
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