


May 23, 2025





Ms. Allison Myers
Baltimore County Public Schools
Jefferson Building, 4th Floor
105 W Chesapeake Avenue
Towson, Maryland 21204

RE: 
Reference: #25-309

Dear Parties:

The Maryland State Department of Education (MSDE), Division of 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 March 26, 2025, MSDE received a complaint from  and , hereafter “the complainants,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Baltimore County Public School (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the student.

MSDE investigated the following allegations:

1. The BCPS did not provide prior written notice (PWN) of the Individualized Education Program (IEP) team’s decisions to discontinue speech-language services as a related service since April 2024, in accordance with 34 CFR § 300.503.
2. The BCPS has not ensured that the student has been provided with the special education instruction and related services required by the IEP since August 2024, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the following was alleged:
 - a. The student was not provided with services from the Deaf and Hard of Hearing teacher.
 - b. The student was not provided with small math group instruction.
 - c. The student was not provided with the use of the FM System.

3. The BCPS has not ensured that the parent was provided with reports of quarterly progress toward achieving the annual IEP goals since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320.
4. The BCPS has not followed proper procedures when conducting a reevaluation of the student to determine if she continued to be a student with a disability requiring special education and related services since November 2024, in accordance with 34 CFR §§ 300.303-.306.
5. The BCPS has not ensured that the IEP team addressed parental concerns about the student's academic performance and data used to determine eligibility since December 2024, in accordance with 34 CFR § 300.324.

BACKGROUND:

The student is 11 years old and is supported by a 504 Plan¹. The student currently attends [REDACTED] School.

FINDINGS OF FACT:

ALLEGATION #1

PROVISION OF PRIOR WRITTEN NOTICE

1. On April 19, 2024, via email to the BCPS speech pathologist and members of the IEP team, the complainant expressed concern about the interactions between the student and the BCPS speech pathologist and requested that the student not receive services from her for the remainder of the school year.
2. On May 22, 2024, BCPS generated a Parent Notification of IEP Team Meeting for the IEP team to convene on June 11, 2024, to conduct a reevaluation planning and review, and revise the IEP, however, the complainant declined the meeting.
3. On July 1, 2024, BCPS generated a Parent Notification of IEP Team Meeting for the IEP team to convene on July 16, 2024, to conduct a reevaluation planning.
4. On July 16, 2024, the IEP team convened to conduct a reevaluation planning meeting. The Prior Written Notice (PWN) generated after the meeting reflects that the IEP team discussed the student's speech-language progress and recommended she be discharged from services based on assessments indicating no deficits. Additionally, the PWN reflects that the complainant informed the IEP team that she found the speech therapist to be "rude" and, as a result, did not want the student to receive services during the fourth quarter.

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).

DISCUSSION AND CONCLUSION:

The LEA must provide parents of a child with a disability written notice within a reasonable time before proposing or refusing to initiate or change the child's identification, evaluation, educational placement, or the provision of free appropriate public education (FAPE) (34 CFR § 300.503).

In this case, the complainant alleges that the IEP team did not provide her with a PWN when she requested that the student no longer receive speech-language services for the remainder of the 2023–2024 school year. Although the school team attempted to schedule a meeting with the complainant in May, the meeting was canceled due to the complainant's scheduling conflict. Nonetheless, speech-language services were discontinued for the remainder of the school year without convening an IEP meeting to discuss the change as a team.

Based on Findings of Fact #1 through #4, MSDE finds that the BCPS did not provide PWN of the IEP team's decisions to discontinue speech-language services as a related service since April 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #4, the complainant was provided with the PWN following the IEP meeting held on July 16, 2024. Therefore, no further student-specific corrective action is required.

FINDINGS OF FACT:

ALLEGATIONS #2 and #3

PROVISION OF SPECIAL EDUCATION SERVICES AND PROVISION OF PROGRESS REPORT

Provision of services from the Deaf and Hard of Hearing teacher

5. The IEP in effect at the start of the 2024-2025 school year, was developed on October 5, 2023. The IEP reflects that math problem solving, hearing, and language are areas impacted by the student's disability. There are IEP goals for each area. The IEP requires that the student receive:
 - 30 minutes weekly of itinerant Deaf and Hard of Hearing (DHH) services provided by the teacher of the deaf and hard of hearing outside of the general education classroom to include "pre- and post-teaching of vocabulary, songs, etc., as well as self-advocacy, equipment use, and teacher check-ins."
 - 20 minutes a week of specialized instruction inside the general education classroom during math in a large or small group setting provided by the general education teacher or the special education teacher.
 - 30 minutes a week of speech-language services outside the general education classroom as a related service.

The IEP reflects that the student is deaf and that the IEP team has discussed all communication and educational options and noted that the student benefits from oral communication, [REDACTED], and a Digital Modulation (DM) system in the classroom.

6. The October 5, 2023, IEP reflects the student's academic goal in the area of DHH- Self Advocacy. The goal states: "By October 2024, [Student] will learn and utilize strategies to advocate for herself in the school environment in 4 of 5 targeted trials."

Method of measurement: Informed procedures, observation records, and informal data collection.
Criteria: with 4 out of 5 targeted trials.

7. The report of the student's progress dated October 31, 2024, reflects that the student "achieved" this goal.
8. There is documentation that the student received services from the Deaf and Hard of Hearing teacher as required by the IEP.

Provision of small math group instruction

9. The October 5, 2023, IEP includes the student's academic goal in the area of math - applied problems. The goal states: "By October 2024, when given a multi-step word problem, [Student] will independently read and solve word problems using learned strategies (e.g., extracting information, writing the word problem in mathematical order) with 80% accuracy in 4 out of 5 problem sets."

Method of measurement: Informal procedures and problem sets
Criteria: with 80 % Accuracy in 4/5 problem sets.

10. The report of the student's progress dated October 31, 2024, in the area of math - applied problems reflects that the student "achieved" the goal.
11. There is documentation that the student received small-group math instruction as required by the IEP.

Provision of FM System

12. On August 23, 2024, the DHH teacher provided an in-service training to the staff regarding the student's FM system, DHH services, and IEP accommodations. In addition, the school staff was provided with the "Procedure for Supporting a Student Who is Deaf/Hard of Hearing with [REDACTED] and FM System," "Teacher Tips for Successful Use of DM System", "Best Practices for teaching a student with hearing loss in your classroom," and "Quick Reference Guide Supporting a Student Who is Deaf/Hard of Hearing ."
13. During September 2024, the BCPS audiologist ensured the student's FM system was connected to her [REDACTED].

14. On September 24, 2024, the complainant emailed the BCPS administrator a "Parent Concern Letter for IEP." In the email, she expressed concern that the student's FM system was not consistently used in the classroom during the previous school year and proposed possible solutions.
15. On October 15, 2024, the BCPS conducted a classroom observation. The observation report notes that the student's [REDACTED] and FM system were utilized during the lesson.
16. There is documentation that the student had access to a "Listening flash pass."
17. There is documentation that the BCPS conducted the Ling-Madell-Hewitt (LMH) 10-sound test² monthly during the 2024- 2025 school year.
18. There is limited documentation indicating that the student was provided with consistent use of the FM system daily, as required by the IEP, from August 2024 through December 2024.
19. There is documentation that on November 14, 2024, the "progress report was sent home to parents with the student," and on November 19, 2024, via email, the complainant was informed that the progress report was sent home with the student.

DISCUSSION AND CONCLUSION:

Provision of Special Education Services

Based on Findings of Fact #5 through #8, MSDE finds that the BCPS has ensured that the student has been provided with the special education instruction and related services required by the IEP since August 2024, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the student was provided with services from the Deaf and Hard of Hearing teacher. Therefore, MSDE does not find a violation.

Based on Findings of Fact #9 through #11, MSDE finds that the BCPS has ensured that the student has been provided with the special education instruction and related services required by the IEP since August 2024, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the student was provided with small math group instruction. Therefore, MSDE does not find a violation.

Based on Findings of Fact #12 through #18, MSDE finds that the BCPS has not ensured that the student has been provided with the special education instruction and related services required by the IEP since August 2024, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the student was not consistently provided with use of the FM System. Therefore, MSDE does find a violation.

² The LMH 10 Sound Test is a quick screening tool used to assess a child's speech perception across different frequencies. It helps determine which sounds a child can hear and which ones they may be missing, particularly in the low, mid, and high frequency ranges.

Provision of Progress Reports

Based on Finding of Fact #19, MSDE finds that the BCPS has ensured that the parent was provided with reports of quarterly progress 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.

FINDINGS OF FACT:

ALLEGATIONS #4 and #5

REEVALUATION AND ADDRESSING PARENT CONCERN

20. The IEP team proposed a reevaluation planning meeting to be held on March 7, 2024, in which the complainant declined the meeting.
21. On July 1, 2024, the complainant received a Parent Notification of an IEP meeting scheduled for July 16, 2024, to conduct reevaluation planning. The complainant declined the meeting. She was informed that this would be the final attempt to schedule the meeting and that the BCPS audiologist, speech-language pathologist, and the teacher of the DHH were invited to attend.
22. On July 2, 2024, the complainant provided BCPS with a copy of the private speech-language assessment conducted on April 8, 2024, and requested that it be discussed in order to use the recommendations at the meeting scheduled for July 16, 2024.
23. On July 16, 2024, the IEP team convened to conduct a reevaluation planning meeting and to review the private speech-language assessment provided to BCPS at the complainant's request. The Prior Written Notice (PWN) generated after the meeting reflects that the IEP team reviewed the private speech-language assessment and agreed to accept it as part of the reevaluation process, as the data was determined to be accurate and appropriate. Based on the data, including teacher reports and parental input, the IEP team proposed dismissing services. The complainant disagreed with this proposal.

The team also proposed obtaining an updated educational assessment in September, since the student was not attending school during the summer, and the student's academic IEP goal had been achieved. Additionally, the team proposed conducting a classroom observation. The team agreed not to amend the IEP at that time and to collect data at the beginning of the school year.
24. On August 21, 2024, the complainant received a Parent Notification of an IEP meeting scheduled for September 9, 2024, to conduct reevaluation planning and to consider dismissal from special education services as well as dismissal from speech-language services. The complainant declined the meeting.
25. On September 5, 2024, the complainant received a Parent Notification of an IEP meeting scheduled for September 19, 2024, to conduct reevaluation planning. The complainant declined the meeting.
26. On September 6, 2024, the complainant received a Parent Notification of IEP meeting for a meeting scheduled for September 24, 2024, to conduct a reevaluation planning.

27. On September 24, 2024, the IEP team met to conduct reevaluation planning. The PWN reflects that, based on a review of all available data, the IEP team proposed formal assessments, including an educational assessment and classroom observation, due to the need for updated data. The complainant agreed and provided written consent. During the meeting, the complainant expressed concerns about the student's math performance last school year and recommended push-in services for DHH support. The team reviewed existing data, noted the student had met her math goal in Quarter 4 of the previous school year, and agreed to proceed with updated educational assessments. The previously accepted April 8, 2024, private speech-language assessment was reviewed by the BCPS speech-language pathologists and the team agreed that no updated evaluation was needed. The IEP team also discussed incorporating graphic organizers into speech sessions per the complainant's request.
28. During the IEP team meeting, the DHH itinerant teacher agreed with the complainant, stating that push-in services would be more beneficial than pull-out services. The teacher also noted that the student had achieved her IEP goal in the previous quarter.
29. On October 16, 2024, BCPS generated a Parent Notification of an IEP meeting scheduled for November 11, 2024, to discuss the results of assessment reports and to consider dismissal from special education services.
30. On November 26, 2024, via email, the complainant received the BCPS Notice of Documents, which included the reports the IEP team planned to discuss at the meeting scheduled for December 10, 2024.
31. On November 19, 2024, BCPS generated a Parent Notification of an IEP meeting scheduled for December 10, 2024, to discuss the results of assessment reports and to consider dismissal from special education services.
32. On December 10, 2024, the IEP team convened to discuss the results of assessment reports and to consider dismissal from special education services. The PWN reflects that the IEP team proposed dismissing the student from special education services. Participants in the IEP meeting included the BCPS administrator, general educator, complainants, student, school psychologist, audiologist, DHH itinerant teacher, elementary guidance counselor, speech-language pathologist, private speech-language pathologist, IEP facilitator, and special educator.

The IEP team reviewed the results of the student's educational assessment, which indicated that her academic skills range from "Average to Superior" based on age-level expectations. Notably, her reading and writing subtest scores fell within the "Above Average to Superior" range, highlighting these areas as strengths. In the area of math, the assessment reflects that the student scored in the average range for applied math problems, as this is the area in which she receives support on her IEP. The assessment also reflects that her advanced math teacher stated the student can solve multi-step problems in class.

33. The complainant raised concerns about the student's continued difficulty with multi-step math problems at home, as noted in her "Parent Concern Letter for IEP" that was sent in September 2024 and emphasized that the issue may stem from hearing and linguistic processing challenges

rather than academic ability. While an IEP team member acknowledged that such struggles are common among students in the advanced curriculum, the complainant argued that comparing the student to peers without [REDACTED] is inappropriate. Another IEP team member shared that the student scored 83% on a recent math assessment, above the district average of 78%. The IEP team also reviewed the student's DHH services and accommodations. Both the student and the complainant expressed that last year's DHH services were more effective and better aligned with classroom instruction. An IEP team member clarified that the student's current goal is focused on self-advocacy, not vocabulary or audiology-related skills.

The BCPS audiologist thanked the complainants for providing BCPS with a copy of the private audiological assessment and reviewed the results of the October 28, 2024, audiological assessment. The BCPS Audiologist shared that these results were similar to the results in May of 2021, and the complainant agreed.

The PWN reflects that an IEP team member led a discussion on whether the student required specialized instruction or classroom accommodations due to her hearing impairment. After reviewing the eligibility criteria document for the disability classification of Deaf, recent assessments, progress, classroom performance, and team input, and based on the data, the IEP team determined that although the student's hearing impairment affects her processing of linguistic information, it does not adversely impact her access to or participation in the general education program. As a result, the team concluded that she does not require specially designed instruction as her disability does not adversely impact her ability to access or participate in the general education program, and recommended dismissal from special education services. The complainants disagreed, expressing the belief that the student still needs direct services from a teacher of the deaf and hard of hearing. The BCPS administrator provided the complainants with a copy of the Procedural Safeguards and informed them of their right to request mediation or file a complaint with the Maryland State Department of Education.

The IEP team proposed to refer the student to the Student Support Team (SST) process, to discuss developing a 504 Plan that could include accommodations and services with the DHH teacher.

34. On December 20, 2024, via email, the complainant received:

- The PWN from the IEP meeting held on December 10, 2024.
- An eligibility determination sheet that reflects the student is not eligible as a student with a disability under IDEA and does not require specially designed instruction in order to make progress in the general education program, and that if the parent disagrees, they can file for due process or mediation.
- Eligibility criteria worksheet for students with "Deafness." The eligibility criteria worksheet reflects the IEP team used the May 2021 private assessment that provided a diagnosis of hearing loss and an education assessment reviewed December 2024 to determine that the student's hearing impairment does not severely impair the processing of linguistics information through hearing and does not adversely impact the student's ability to access and function in the educational program despite the use of conventional instructional materials and techniques.

35. On April 3, 2025, the complainant requested that the BCPS fund an Independent Educational Evaluation (IEE) at public expense due to her disagreement with the BCPS educational assessment conducted in September that the IEP team used to make the determination to dismiss the student from special education services.

36. On May 1, 2025, via email, BCPS responded to the complainant's request, stating "They do not agree to fund an independent Academic Assessment and will defend the assessment in question." BCPS also informed the complainant that they are required to file a due process hearing request when an IEE is denied and will do so by May 24, 2025.

DISCUSSION AND CONCLUSION:

Reevaluation Procedure

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).

In this case, the complainant alleges that the student's IEP was improperly dismissed despite documented academic struggles and assessment data indicating continued need for services. The decision was made without proper consideration of parental input or independent assessments and failed to account for the impact of her hearing loss on her ability to access and process information, particularly in math.

During the evaluation process, the IEP team conducted updated assessments, considered the private assessment provided by the complainant, reviewed multiple sources of data, reviewed the disability criteria sheet, considered parental input, and led a discussion to determine that although the student's hearing impairment affects her processing of linguistic information, it does not adversely impact her access to or participation in the general education program.

Based on Findings of Fact #30 through #34, MSDE finds that the BCPS has followed proper procedures when conducting a reevaluation of the student to determine if she continued to be a student with a disability requiring special education and related services since November 2024, in accordance with 34 CFR §§ 300.303-.306. Therefore, MSDE does not find a violation.

Addressing Parent Concerns

Based on Finding of Fact #33, MSDE finds that the BCPS has ensured that the IEP team addressed parental concerns about the student's academic performance and data used to determine eligibility since December 2024, in accordance with 34 CFR § 300.324. 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 manner³. 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, MSDE, to ensure the effective implementation of the action⁴. 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 July 31, 2025, that the IEP team has convened and determined whether the violation related to the lack of provision of speech-language services from April to June 2024 and the consistent use of the FM system 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.

³ 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.

⁴ 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 complainants are provided with written notice of the team's decisions. The complainants maintain 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 unless one of the parties request a reconsideration. Requests for reconsideration must be received by this office within fifteen days of the date that the Letter of Findings is issued. However, 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, or there was a clear mistake of law in the findings. 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. Requests for reconsideration should be sent directly to Tracy Givens, Section Chief, Dispute Resolution at Tracy.Givens@maryland.gov. There are no timelines to receive a finding after a request for reconsideration. 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.

Sincerely,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Special Education

ALH/sj

c: Dr. Myriam Rogers, Superintendent, BCPS
Dr. Jason Miller, Coordinator, Special Education Compliance, BCPS
Charlene Harris, Supervisor of Compliance in the Department of Special Education, BCPS
Norma Villanueva, Compliance Specialist, BCPS
[REDACTED], Principal, [REDACTED] School, BCPS
Alison Barmat, Director, Dispute Resolution and Family Support, MCPS
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Director, Accountability and Data, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Stephanie James, Complaint Investigator, MSDE