



December 14, 2023



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

RE: [REDACTED]
Reference: #24-050

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

ALLEGATION:

On October 16, 2023, MSDE received a complaint from Ms. [REDACTED], hereafter, “the complainant,” on behalf of her son, 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) with respect to the above-referenced student.

MSDE investigated that the BCPS did not ensure that the Individualized Education Program (IEP) addressed the student’s behavioral and social/emotional needs since the start of the 2023- 2024 school year, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is 14 years old and is identified as a student with Autism under the IDEA. He attends [REDACTED] School. During the 2022-2023 school year, the student was home schooled in Baltimore City. The student has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. On August 30, 2023, upon the student’s enrollment in the BCPS, the complainant requested an emergency IEP meeting to address transportation concerns and the start of the school year for the student. The complainant provided the BCPS with a copy of the student’s IEP developed for the student by Baltimore City Public Schools on July 28, 2022¹.

¹ The July 28, 2022, IEP was the most recent IEP developed for the student as he was homeschooled for the 2022-2023 school year.

2. The IEP reflects identified needs in the areas of cognitive, math calculation, math problem solving, reading comprehension, speech and language receptive and expressive language, speech and language- pragmatic, written expression, social emotional/ behavioral. The IEP includes goals to address his social emotional/behavioral, speech and language- pragmatic, math problem solving, reading comprehension, written expression, and math problem solving needs as well as supplementary aids, supports, accommodations. The IEP team determined that the student required 25 hours a week of specially designed instruction from a special education classroom teacher outside of the general education classroom, one hour monthly of psychological services from a psychologist outside of the general education classroom, 30 minutes of speech and language per month outside of the general education classroom, and transportation as a related service.
3. The IEP reflects the student was required to receive special education services outside of the general education setting due to "his disability significantly impacting his ability to make progress towards the general education curriculum without support and interventions." The student has difficulty academically, behaviorally, and socially in the classroom. The IEP reflects the student's significant difficulties with social communication and social understanding. The student also displays difficulty with emotional dysregulation, aggression, and self- injurious behaviors and has strong reactions to any change in routine. The student's social emotional/behavioral deficits require counseling services in a small, structured setting in order to maximize opportunities for practice and response. Counseling services are also offered in the classroom setting due to techniques that need to be taught and cannot be achieved through curriculum modification or supplementary aids.
4. The student's IEP, developed on July 28, 2022, reflects the student has a goal in the areas of social emotional/behavioral. The goal states: "By February 2023, through instruction, modeling and role-play, [the student] will increase his interpersonal relationship skills by increasing positive peer and staff interaction in four out of five opportunities, as measured by informal observation and teacher report."
5. On September 20, 2023, the IEP team convened to review the student's draft BCPS IEP. The IEP team requested additional information from the parent, including any additional documentation from his time in Baltimore City Public Schools. During the meeting, the IEP team discussed several concerns, including missing assignments, behavioral issues, and transitional needs during class. In response to these concerns, the team decided to implement various interventions, including ABC charts, and to order a classroom observation, a Functional Behavior Assessment (FBA), and an educational assessment. These assessments were intended to better understand and address the student's behavior. The parent agreed to these interventions and assessments and provided consent for the assessments.
6. The IEP created on September 20, 2023, reflects identified needs in the areas of cognitive, math calculation, math problem solving, reading comprehension, speech and language receptive and expressive language, speech and language- pragmatic, written expression, social emotional/behavioral and employment training. The IEP includes goals to address his social/emotional and behavioral, speech and language- pragmatic, math problem solving, reading comprehension, written expression, and math calculations needs as well as supplemental aids, supports, accommodations. The IEP team determined that the student required 25 hours a week of specially designed instruction from the special education classroom teacher outside the general education classroom, one hour per month of psychological services from a psychologist outside of the general education classroom, 30 minutes per month of speech and language outside of the general education classroom, and transportation as a related service. The IEP reflects that the

student requires support in a self-contained class which is in a smaller environment with support and services from a special education teacher.

7. The student's IEP, developed on September 20, 2023, includes the student's goals in the areas of social/emotional and behavioral. The goal states that by "February 2023, through instruction, modeling and role-play, [the student] will increase his interpersonal relationship skills by increasing positive peer and staff interaction in four out of five opportunities, as measured by informal observation and teacher report."
8. On October 5, 2023, the student was suspended for two days for disruptive behavior. The incident occurred with another student from his current classroom.
9. On October 10, 2023, in response to a request from the complainant on September 20, 2022, staff at the student's school provided the complainant a copy of the student's IEP, a summary of the classes the student was in and the supplementary aids and support he is receiving. The complainant was informed that the student was receiving support from the psychologist and that the school was working on getting the student a pass to leave class early for added transition time.
10. On October 10, 2023, the student reported an incident to a school staff that occurred with another student.
11. On October 17, 2023, the school team emailed the parent and proposed to change the student's schedule and create a safety plan to help support the student. The proposed plan would allow the student to use a flash pass to see the school counselor, allow time to leave class early to lessen peer interaction during transition, and identify a safe adult. The complainant, however, declined the request to change the student's schedule, stating that due to the student's disability and in accordance with his IEP, the student has difficulty with changes in his schedule.
12. On October 24, 2023, the student reported an incident that occurred at the gym to a school staff member. He was assisted by the teacher to resolve the incident.
13. On October 24, 2023, the complainant requested the removal of the student from gym class. The complainant was informed that the incident had been addressed at the school level, following the guidelines outlined in the BCPS Handbook.
14. On October 25, 2023, the complainant completed and recommended a safety plan for the student. The plan allowed the student to report any incidents to a school staff member and be allowed to call the complainant. The complainant was also in agreement with the changing of the student's gym schedule.
15. On November 7, 2023, the IEP team met to review and revise the IEP as appropriate per the request of the complainant. In the meeting, the complainant's advocate expressed concerns related to discrepancies in cognitive scores from a 2022 psychological report. The complainant also requested additional assessments, in addition to the assessments requested during the September 20, 2023 IEP meeting. The IEP team discussed their concerns regarding the student needing redirections and reminders and "consistently leaving class and/or [being] on his phone" throughout the day. The complainant raised additional concerns regarding the student's safety. The school staff responded "that all bullying allegations have been investigated and outside of the issue in gym, no other incidents of bullying have been reported. [The staff] also indicated that the altercation between [the student] and the other student on October 5, 2023, did not include reports of bullying."

16. The school team detailed the support provided to the student in class, addressing modifications, frequent check-ins, paper copies, and strategic groupings.
17. The IEP team agreed to reconvene on November 28, 2023, to review assessments and continue the discussion. However, the parent has requested that the meeting be rescheduled, and a new date has not yet been determined.
18. There is documentation that the student received psychological services as required by the IEP.

CONCLUSION:

Based on Findings of Facts #1- #18, MSDE finds that the BCPS did ensure that the IEP addressed the student's behavioral and social/emotional needs since the start of the 2023- 2024 school year, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation has not occurred with respect to this allegation.

TIMELINE:

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 (15) 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. 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 a 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/Special Education Services

ALH/sj

- c: Dr. Myriam Rogers, Superintendent, BCPS
Ms. Conya Bailey, Director, Special Education, BCPS
Ms. Charlene Harris, Director, Compliance, BCPS
Mr. Jason Miller, Coordinator, Compliance, BCPS
Ms. Norma Villanueva, Specialist, Compliance, BCPS
[REDACTED]
Ms. Alison Barmat, Branch Chief, Family Support and Due Process, MSDE
Dr. Paige Bradford, Chief, Specialized Instruction, MSDE
Ms. Stephanie James, Complaint Investigator, MSDE
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