



Carey M. Wright, Ed.D.
Interim State Superintendent of Schools

December 21, 2023



Ms. Allison Myers
Executive Director, Department of Special Education
Baltimore County Public Schools
Jefferson Building, 4th Floor
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: [REDACTED]
Reference: #24-063

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.

ALLEGATIONS:

On November 1, 2023, MSDE received a complaint from Ms. [REDACTED], hereafter, “the complainant,” on behalf of her daughter. In that correspondence, the complainant alleged that the Baltimore County Public Schools violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The BCPS has not followed proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting since October 2023, in accordance with 34 CFR §§300.503.
2. The BCPS has not ensured that the team addressed parental concerns about the student’s social-emotional and academic needs since October 2023, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is eleven years old and is identified as a student with autism under the IDEA. She attends [REDACTED] Elementary School, a comprehensive school located in Baltimore County. The student has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

ALLEGATIONS #1 AND #2: PROPER PROCEDURES WHEN RESPONDING TO AN IEP MEETING REQUEST and ADDRESSING PARENTAL CONCERNS

1. On October 18, 2023, the complainant emailed staff members at [REDACTED] Elementary School. In this email, the complainant stated that she had previously requested an IEP meeting but had not received one. The complainant also stated that the student was coming home “sad, crying, and depleted from math,” a subject that had gone from being her favorite subject to her least favorite subject. The complainant asked why this concern had not been addressed by the school, and why she had not been informed of the student’s emotional issues (crying) in this class. Other concerns the complainant expressed in this email included the fact that the student was only receiving pull-out services for reading and no adult support. The complainant stated that a communication log should be established to allow her to know what help the student was receiving each day and if any problems occurred. The final request made by the complainant was for someone to walk the student down the hall at dismissal, which the complainant stated she had asked to be placed in the student’s IEP.
2. The same day, [REDACTED] Elementary School staff responded to the complainant in an email stating that in looking back at previous emails there was no record that the complainant had requested an IEP meeting before her October 18, 2023, email, but a meeting would be scheduled to address her concerns.
3. On November 15, 2023, the IEP team at [REDACTED] Elementary School convened to review and revise the student’s IEP. The prior written notice states that the meeting was scheduled and held within 30 days of the complainant’s request. According to the prior written notice, the team proposed scheduling another IEP meeting within thirty days to review concerns related to the student’s “worrying behaviors” and fine motor skills. The prior written notice also reflects that the team discussed the complainant’s concerns and determined that the school psychologist should be included in the next meeting to determine if additional assessments would be needed to provide the team with information about the student’s social-emotional needs. It was also determined that information regarding the student’s fine motor and daily living skills would be shared with the occupational therapist to determine if additional assessments or supports would be needed to better support the student. The team discussed and rejected conducting a speech and language assessment and providing the student with additional adult support. The complainant and other team members discussed the following:
 - The student’s communication concerns where it was determined that her “reluctance to speak [was] due to her self-confidence and/or possible anxiety;”
 - Additional adult support (rejected based on data collected by her 5th-grade teacher [which showed] that the student was able to complete grade-level tasks 65% of the time, she needed minimal prompting from teacher 26% of the time, and one-to-one support from her teacher 8% of the time);”

- Concerns about an incident between the student and a substitute teacher where the complainant felt that the student was not supported during instruction. ([REDACTED] staff stated that the administration has addressed the issue and the student's teacher will share the student's needs and instructional strategies with the substitute teacher when the student's teacher is absent);
- The student's struggles with communicating her needs and concerns, and it was suggested that the student "check in with her case manager...at the end of the day to talk about the positives and/or negatives of the day;"
- The school counselor suggested that the student begin a 6-week small group session to work on social skills and coping strategies, to which the complainant agreed;
- Struggles in math, at which time the team stated that the student had been absent ten days, in addition to seven early dismissals, which equated to the student missing seventeen out of 53 math periods;
- The student's progress in the general education curriculum, and it was stated that the student is making progress and is still working on improving her grade-level reading fluency;
- The student had achieved her first-quarter reading goal, and was pulled occasionally to work on math skills related to her math IEP goal and grade-level math skills;
- The complainant shared that the student is on the waiting list for a Kennedy Krieger Institute psychiatric medication evaluation due to what her pediatrician stated may be "sundowning" and asked what services would be available at school if the student begins to exhibit these behaviors;
- BCPS's Home and Hospital program;
- The student's medications;
- Concerns regarding the student's possible occupational therapy needs (the IEP facilitator suggested that the school's occupational therapist should attend the next IEP meeting to address those concerns); and
- The student's communication needs (it was shared that although the student does not speak in the classroom frequently, she can speak in complete sentences and has the language skills to communicate effectively).

The team also determined that a referral would be completed for a private therapist from Villa Maria Therapy who treats students who qualify for medical assistance.

The team determined its next steps, including scheduling another IEP meeting in thirty days to review the concerns surrounding the student's anxiety and fine motor/daily living skills. The prior written notice states that "written information about access to Habilitative services, including a copy of the Maryland Insurance Administration's Parents' Guide to Habilitative Services were emailed home on November 1, 2023, and November 16, 2023." The complainant also verbally permitted the speech pathologist to attend the November 15, 2023, meeting to hear about communication concerns.

4. There is documentation that the complainant was emailed information regarding the Baltimore County Public Schools Home and Hospital Program on November 17, 2023.
5. There is documentation that the student's IEP in place during the November 15, 2023, IEP meeting, dated May 18, 2023, reflects that "[the student] will have a peer escort as needed if she is uncomfortable with walking in the hallway. If she would like a peer to assist with dismissal, she may utilize this as well."

6. The parent communication log reflects that a parent conference was scheduled with the student's math teacher on November 21, 2023; however, the complainant did not answer the phone to participate in the conference.

CONCLUSIONS:

Allegation #1 Proper Procedures When Responding To An IEP Meeting Request

There is no documentation that the complainant requested an IEP meeting for the 2023-2024 school year prior to her October 18, 2023, email; however, upon receipt of her request on October 18, 2023, an IEP team meeting was held on November 15, 2023.

Based on the Findings of Facts # 1 to #3 MSDE finds the BCPS has followed proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting since October 2023, in accordance with 34 CFR §300.503. Therefore, this office finds that no violation occurred with respect to the allegation.

Allegation #2 Addressing Parental Concerns

In developing each child's IEP, the IEP team must consider the strengths of the child; the concerns of the parents for enhancing the education of their child; the results of the initial or most recent evaluation of the child; and the academic, developmental, and functional needs of the child. (34 CFR §300.324)

In her October 18, 2023, email the complainant expressed several concerns and included her request for an IEP meeting. On November 15, 2023, an IEP team meeting was held during which all of the complainant's concerns were addressed. The BCPS also followed up this meeting by providing the complainant with the requested information and an opportunity to conference with the student's math teacher.

Based on the Finding of Facts #2 to #6, MSDE finds that the BCPS has ensured that the team addressed parental concerns about the student's social-emotional and academic needs since October 2023, in accordance with 34 CFR §300.324. Therefore, this office finds that no violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

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.

[REDACTED]
Ms. Allison Myers
December 21, 2023
Page 5

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 and Special Education Services

ALH/ebh

c: Dr. Myriam Rogers, Superintendent, BCPS
Mr. Jason Miller, Compliance Coordinator, BCPS
Ms. Norma Villeneuve, Compliance Specialist, BCPS
Ms. Conya Bailey, Director, Special Education, BCPS
Ms. Charlene Harris, Director, Compliance, BCPS
[REDACTED]
Ms. Alison Barmat, Branch Chief, Family Support and Due Process, MSDE
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Ms. Elizabeth B. Hendricks, Complaint Investigator, MSDE
Ms. Diane Eisenstadt, Compliance Specialist, MSDE
Ms. Nicole Elliott, Section Chief, Monitoring and Accountability, MSDE