


December 27, 2024




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

Re:   
Reference: #25-114

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and 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 October 29, 2024, MSDE received a complaint from  hereafter, “the complainant”, on behalf of 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) concerning the above-referenced student:

MSDE investigated the following allegations:

1. The BCPS has not ensured that the student has been consistently provided adult support since October 30, 2023, in accordance with 34 CFR §§ 300.101 and .323.
2. The BCPS has not addressed the parent’s concerns regarding the student’s safety, progress, and one-to-one support, since October 30, 2023, in accordance with 34 CFR § 300.324.

**BACKGROUND:**

The student is nine years old and is identified as a student with Autism under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACT:**

1. The IEP in effect on October 30, 2023, was developed on December 21, 2022, and amended on April 17, 2023. The IEP requires daily additional adult support to support the student with work completion, remaining on task, and staying focused. The providers of adult support are the special educator and instructional assistant.
2. The December 13, 2023, IEP continued the daily additional adult support provided by the special educator and the instructional assistant. The student continues to require adult support to complete work, stay on task, and remain focused. The IEP reflects that the student requires support to initiate and complete work and to keep him in his location. The student's instances of eloping or running away have decreased, the student will "still run away and think it is funny to chase him".

This IEP was amended on January 17, 2024, however, there were no changes to the student's additional support.

3. The October 28, 2024, IEP continued the daily additional adult support provided by the special educator, instructional assistant, and general educator. The student continued to require adult support to complete work, stay on task, and focused. The IEP reflects that the student requires adult support to "accompany him during transitions, including the bathroom." The student is easily distracted and needs frequent redirection to attend to a given task.
4. On October 31, 2023, the IEP team met to discuss re-evaluation planning for adaptive Physical Education (PE) services. The prior written notice (PWN) reflects that the complainant shared that the student does not "quite understand how to be safe and needs an adult at all times when outside on the playground". The PE teacher shared that he "wanders around the gym" and won't participate in group activities.
5. On January 17, 2024, the IEP team met to review and revise the student's IEP. The PWN reflects that the IEP team agreed to add adaptive PE goals and services to the student's IEP. There is no documentation that the complainant raised concerns regarding the student's safety, progress, or one-to-one support.
6. On October 28, 2024, the IEP team met to convene the student's annual review, conduct a re-evaluation planning meeting, and discuss parent concerns. The PWN reflects the complainant shared that she feels the student needs "one-to-one support". The complainant shared that the

recent change in staff providing support was difficult for the student. The BCPS team shared the expectations of third grade and the importance of helping the student become more independent. They noted the challenge of gaining independence with “someone to help him at all times”. The BCPS team agreed he needs support because he is easily distracted. Currently, the instructional assistant works with the student and one other student. The majority of her time is spent supporting the student by explaining the work and setting up his assignments. The general educator shared that the student is “better about staying in his seat” and the instructional assistant makes the student’s work accessible and walks with him everywhere, including to speech-language therapy.

7. The student’s report of progress towards the achievement of his IEP goals since October 2023, reflects that the student is making progress and increased his work completion. The reports of progress demonstrate adult support reflecting prompting to remain focused and initiate work, modeling, redirection, hand-over-hand assistance, and responding to questions in the classroom with support.
8. The 2024-2025 classroom schedule reflects the provision of adult support by the instructional assistant assigned specifically to the student and one other student. There is documentation that the student has a general and special educator.
9. The BCPS Administrator’s call log reflects conversations with the complainant in September 2024 regarding the complainant’s adult support concerns.

## **CONCLUSIONS:**

### **Allegation #1**

### **PROVISION OF ADULT SUPPORT**

Based upon Findings of Fact #1 through #3, and #6, through #9, MSDE finds that the BCPS has ensured that the student has been consistently provided adult support since October 30, 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office does not find that a violation occurred concerning this allegation.

### **Allegation #2**

### **ADDRESSING PARENT CONCERNS**

Based on Findings of Fact #2 through #9, MSDE finds that the BCPS has ensured that the IEP team addressed parental concerns regarding the student’s safety, progress, and one-to-one support, since October 30, 2023, in accordance with 34 CFR § 300.324. Therefore, this office does not find that a violation occurred concerning this allegation.

**CORRECTIVE ACTIONS AND 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 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.

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/tg

c: Dr. Myriam Rogers, Superintendent, BCPS  
Dr. Allison Myers, Executive Director, Special Education BCPS  
Dr. Jason Miller, Coordinator, Special Education Coordinator, BCPS  
Charlene Harris, Supervisor Special Education Compliance0, BCPS  
Alison Barmat, Branch Chief, Family Support/Dispute Resolution, MSDE  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Dr. Paige Bradford, Chief, Program Support and Technical Assistance, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE