

February 14, 2025



Dr. Allison Myers  
Executive Director  
Department of Special Education  
Jefferson Building, 4<sup>th</sup> Floor  
105 W. Chesapeake Ave  
Towson, Maryland 21204

RE: [REDACTED]  
Reference: #25-189

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 December 18, 2024, MSDE received a complaint from [REDACTED] and [REDACTED], hereafter, “the complainants,” 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 developed an Individualized Education Program (IEP) that addresses the student’s identified behaviors and safety needs, including a Behavior Intervention Plan (BIP) since August 2024, in accordance with 34 CFR § 300.324.
2. The BCPS has not followed proper procedures when determining the student’s educational placement in August 2024, in accordance with 34 CFR §§ 300.114 -.116.
3. The BCPS has not implemented an IEP that addressed the student’s identified behavioral needs since August 2024, in accordance with 34 CFR §§ 300.101, .323, and .324.
4. The BCPS has not ensured that the IEP team addressed the parent’s concerns regarding the student’s behaviors, safety, and placement since August 2024, 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. On September 13, 2024, the student was found eligible for special education services as a student with autism.
2. On October 10, 2024, the IEP team convened to discuss the results of the speech-language assessment and to review the student's initial IEP. The prior written notice (PWN) generated after the meeting reflects that the complainant brought up placement, behavior and health concerns and that the BCPS addressed her concerns.
3. The student's IEP developed on October 10, 2024, reflects social/emotional/behavior as an area affected by the student's disability.

The present level of academic achievement and functional performance (PLAAFP) reflects the student's social/emotional/behavior on the kindergarten level, and that he needs supports:

- Controlling his impulses and using positive coping strategies to manage his emotions;
- Identifying how his emotions and behaviors affect others;
- Creating plans to achieve his goals; and
- In making friends in the school setting.

The IEP requires supplementary aids, services, and accommodations to aid in the support of the social/emotional/behavioral needs including instructional supports, program modifications, social/behavior supports, and physical/environmental supports, school personnel/parental supports:

- Daily
  - Advance preparation for schedule changes;
  - Encourage student to ask for assistance when needed;
  - Provide frequent changes in activity or opportunities for movement;
  - Strategies to initiate and sustain attention;
  - Zones of regulation chart on desk for adult check-ins;
  - Use of positive/concrete reinforcers;
  - Home-school communication;
  - First/then language or chart;
  - Picture schedule;
  - Preferential seating;
  - Adult support; and
  - Daily check-in and check-out.

The IEP requires a social/emotional/behavioral goal: "By October 2025, during a moment of frustration in the school setting where [the student] would previously display unexpected behavior (i.e. yelling, eloping, crying, etc.), given direct instruction in self-management strategies, prompting from an adult, and modeling from an adult or peer buddy, [the student] will implement one pre-identified self-management strategy within 30 seconds and refrain from displaying unexpected behavior" on three out of five targeted trials.

The student requires 30 minutes weekly of social work services.

The IEP team determined the least restrictive environment (LRE) the student requires is:

- 30 hours and 15 minutes weekly in the general education setting; and
- Three hours and 30 minutes outside the general education setting to address his goals in the areas of math problem solving and written expression.

The IEP reflects the consideration of the continuum: inside the general education setting (80% or more) with supplementary aids and supports, and inside the general education setting (40%-79% with supplementary aids and supports.

4. On October 11, 2024, the BCPS emailed and phoned the complainant addressing her concerns.
5. On October 21, 2024, a Functional Behavior Assessment (FBA) report was completed.
6. On November 18, 2024, a BCPS staff member emailed the parent regarding a behavioral incident that took place during the school day. On November 19, 2024, the complainant responded. On November 21, 2024, a BCPS staff member responded to the complainant indicating that they would bring the complainant's concerns to the IEP team.
7. On December 9, 2024, the complainant emailed the BCPS with a behavior concern. On December 11, 2024, the BCPS responded and addressed the concern.
8. On December 11, 2024, the IEP team convened to discuss the results of a Functional Behavior Assessment (FBA), review and revise the IEP as needed. The PWN generated after the meeting reflects that the IEP team determined the need for a BIP. Furthermore, it is reflected that the IEP team updated the Present Levels of Academic Achievement and Functional Performance (PLAAFP) for behavior to include the additional data collected from the FBA process, updated supplementary aids, services, and accommodations based on data collected from the FBA process, and updated the services hours required by the IEP.

The PWN reflects that:

"While the school system considered the family's proposal of a more restrictive placement, the school system rejected this proposal as the additional services and supports discussed in today's meeting can be provided within the current placement inside the student's home school through a combination of services inside and outside the general education setting. A more restrictive placement outside the student's home school can cause significant harmful effects on the student's well-being such as a lengthy commute, loss of access to non-disabled peers in his community, impacts to social/emotional well-being, and loss of access to community events and opportunities available at the student's home school. Therefore, at this time, the school system determined that additional services and supports can be implemented within the student's current placement to address the student's current needs while also allowing the student access to non-disabled peers within the student's community therefore mitigating the potential harmful effects of removal."

In addition, the PWN reflects that the IEP team reviewed the student's placement and determined that, while an increase in services outside the general education setting was proposed, the current placement of a combination of services inside and outside the general education setting continues to be appropriate for the student's needs.

9. The student's IEP amended on December 11, 2024, requires additional supplementary aids, service, and accommodation: as needed sensory strategies.

The IEP requires the addition of:

- 60 minutes weekly of special education instruction outside the general education classroom to address math and self-management goals; and
- 60 minutes weekly of special education instruction outside the general education classroom to address written expression and self-management goals.

The IEP requires an LRE of inside the general education classroom 80% or more:

- 29 hours and 15 minutes weekly in the general education setting; and
- Four hours and 30 minutes weekly outside the general education setting to address his goals in the areas of math problem solving and written expression.

The IEP reflects the consideration of the continuum: inside the general education setting (80% or more) with supplementary aids and supports, and inside the general education setting (40%-79%) with supplementary aids and supports.

10. The Behavior Intervention Plan (BIP) was developed on December 19, 2024. The BIP reflects:

- The student's academic history;
- Strengths of the student from student, parent, and staff;
- Student interest and preferences;
- List of staff members who have a good rapport with the student; and
- Student preferred school activities.

In addition, the BIP reflects:

- Behaviors of concern: "student verbally interrupts the class" and "student unsafely uses school materials (i.e. throwing materials, ripping materials, climbing under and/or in furniture);
- Functional replacement behaviors;
- Date quantitative baseline data was established;
- Baseline level for the behavior;
- Date the behavior target is anticipated to be met;
- Staff assisting with data collection and responsible for reporting date;
- Contributing factors;
- Antecedents/triggers;
- Skills the student need to learn to establish replacement behaviors;
- Positive self-expression skills;
- Self-management strategies;
- Conflict resolution skills;
- Positive reinforcements;
- Response strategies;
- Urgent response plan; and
- Staff development needs/requirements.

11. On January 8, 2025, the IEP team convened to review the BIP. The PWN generated after the meeting reflects that the complaint raised the concern that "there are staplers, and sharp pencils in the rooms that she is concerned that [the student] will hurt himself and would like a safe space where

there are no possible items available.” The IEP team shared that the resource teacher’s office would be available.

12. There is documentation of the implementation of the IEP that addresses the student’s identified behavior needs since the determination of eligibility for special education services on September 13, 2024.

#### **DISCUSSION AND CONCLUSIONS:**

##### **ALLEGATION #1**

##### **DEVELOPMENT OF THE IEP**

Based on the Findings of Fact #1 through #3, #5, and #8 through #10, MSDE finds that the BCPS has developed an IEP that addresses the student’s identified behaviors, including a BIP since August 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

##### **ALLEGATION #2**

##### **PLACEMENT DETERMINATION**

Based on the Findings of Fact #2, #3, and #9, MSDE finds that the BCPS has followed proper procedures when determining the student’s educational placement in August 2024, in accordance with 34 CFR §§ 300.114 -.116. Therefore, MSDE does not find a violation.

##### **ALLEGATION #3**

##### **IMPLEMENTATION OF THE IEP**

In this case, the student was found eligible for special education services on September 13, 2024, and an initial IEP was developed on October 10, 2024. Therefore, the BCPS was not required to implement an IEP from August 2024 to September 13, 2024.

Based on the Findings of Facts #3, #9, and #12, MSDE finds that the BCPS has implemented an IEP that addressed the student’s identified behavioral needs since September 13, 2024, in accordance with 34 CFR §§ 300.101, .323, and .324. Therefore, MSDE does not find a violation.

##### **ALLEGATION #4**

##### **ADDRESSING PARENTS CONCERNS**

Based on the Findings of Fact #2, #4, #6 through #8, and #11, MSDE finds that the BCPS has ensured that the IEP team addressed the parent’s concerns regarding the student’s behaviors, safety, and placement since August 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

#### **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. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email [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 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/sd

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  
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Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
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