

March 13, 2025

[REDACTED]

Ms. Denise T. Mabry  
Director of Compliance and Due Process  
Baltimore City Public Schools  
200 E. North Avenue, Room 204 B  
Baltimore, Maryland 21202

Re: [REDACTED]  
Reference #25-232

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.

**ALLEGATION:**

On February 3, 2025, the MSDE received a complaint from [REDACTED], hereafter “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Baltimore City Public School (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the allegation that the BCPS has not ensured that the student was provided with the support of a dedicated adult assistant, as required by their IEP, since February 2024, in accordance with 34 CFR §§ 300.101 and 300.323.

**BACKGROUND:**

The student is 10 years old and is identified as a student with Autism under the IDEA. The student currently 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 during February 2024, was developed on November 9, 2023, and identifies needs in the areas of cognitive, reading comprehension, speech-language, written language expression, social-emotional/behavioral, and fine motor. The IEP goals address all areas of concern.
2. The November 9, 2023, IEP reflects that the student requires:
  - One hour weekly of specialized instruction outside of the general education classroom
  - One and a half hours weekly of specialized instruction inside of the general education classroom

- 20 minutes a week of Occupational Therapy (OT) outside of the general education classroom
  - 30 minutes a week of counseling services outside of the general education classroom
  - 40 minutes a month of speech-language outside of the general education classroom.
3. The November 9, 2023, IEP required the student to be provided with instructional support, program modifications, social/behavioral support, and physical/environmental support to access a modified general education curriculum. The IEP further reflects that the student requires “daily adult support” from a “dedicated therapeutic behavior aide (TBA) throughout the school day unless the aide is on a break or the student is with a related service provider who has requested that the aide not accompany them.” The IEP reflects that the TBA is assigned to provide all of the strategies on the BIP as well as the other supplemental aids described within the current IEP due to his maladaptive behaviors, which include kicking, biting, throwing objects, and leaving the classroom without permission. The TBA will also be able to support school staff in collecting data for [REDACTED] BIP. The TBA will support the student throughout the instructional day and during transitions.
  4. The IEP developed on May 23, 2024, and June 13, 2024, reflects that the student requires daily adult support services from a TBA.
  5. The IEP created on November 14, 2024, December 12, 2024, and January 16, 2025, reflects that the student requires daily adult support services from either a general education teacher or a special education teacher. However, the “clarify location and manner” description on the IEP indicates that the support is to be provided by the TBA.
  6. On February 10, 2025, the BCPS generated a prior written notice (PWN) to inform the parent of the changes made to the IEP as follows:
    - Due to a typographical error, the IEP is amended to reflect the primary provider of adult support to TBA. “The discussion box already identified how the service would be provided.”
    - Correct the ESY dates as announced by City Schools, which are June 30, 2025, to July 31, 2025.
  7. On February 10, 2025, the complainant received the amended IEP and the PWN.
  8. There is no documentation that reflects that the student requires the use of a dedicated aide from the time he enters the school building until his departure. The student’s IEP specifies times that the student may be without a dedicated aide during the school day.
  9. There is documentation that the student was provided with the support of a dedicated aide as required by the IEP.

**CONCLUSION:**

In this case, the complainant alleges that the BCPS does not have an aide ready and available throughout the school day as required by the IEP.

Based on Findings of Fact #3 through #5, #8, and #9, MSDE finds that the BCPS has ensured that the student was provided with the support of a dedicated adult assistant, as required by the IEP, since February 2024, in accordance with 34 CFR §§ 300.101 and 300.323. Therefore, MSDE does not find a violation.

**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 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 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/sj

c: Dr. Sonja Santelises, Superintendent, BCPS  
Laurie-Lynn Sutton-Platt, Executive Director, BCPS  
Christa McGonigal, Educational Specialist, BCPS  
[REDACTED], [REDACTED] School, Principal, BCPS  
Alison Barmat, Section Chief, Family Support and Dispute Resolution, MSDE  
Dr. Paige Bradford, Section Chief, Programmatic Support and Technical Assistance, MSDE  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Stephanie James, Complaint Investigator, MSDE