

April 7, 2025

[REDACTED]

Dr. Allison Myers  
Baltimore County Public Schools  
Jefferson Building, 4<sup>th</sup> Floor  
105 W Chesapeake Avenue  
Towson, Maryland 21204

RE: [REDACTED]  
Reference: #25-264

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 February 18, 2025, 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 County Public School (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 did not follow proper procedures when disciplinarily removing the student from class on February 12, 2025, in accordance with 34 CFR § 300.530 and COMAR 13A.08.03.
2. The BCPS has not ensured that the student has been consistently provided with the accommodations and supports specifically for executive functioning, as required by the Individualized Education Program (IEP) during the month of February 2025, in accordance with 34 CFR §§ 300.101 and .323.

**BACKGROUND:**

The student is 15 years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. The student currently attends [REDACTED] School ([REDACTED]) and has an IEP that requires the provision of special education instruction.

**FINDINGS OF FACT:**

**ALLEGATION #1**

**DISCIPLINARY PROCEDURES**

1. On February 12, 2025, BCPS conducted virtual learning due to inclement weather.
2. On February 12, 2025, the BCPS school administrator notified the student through Schoology that she was informed of his inappropriate behavior during unauthorized access to other high school virtual classrooms via Google Meet. She informed him that they would discuss the matter the following day and instructed him not to access virtual classrooms not part of [REDACTED].
3. On February 12, 2025, the BCPS school administrator emailed the student's maternal parent about the incident and requested that they follow up with the student about his actions at home.
4. On February 13, 2025, the BCPS school administrator called the maternal parent and informed her that the student would be removed from class and placed in the "Focus Room".
5. On February 14, 2025, the student spent the day in the "Focus Room," where he completed his schoolwork and received support from his teachers during their planning period. The student was allowed to receive lunch and return to the "Focus Room" afterward.
6. On February 14, 2025, the student was scheduled for elective classes.
7. On February 15, 2025, the complainant emailed the BCPS school administrator requesting written documentation and proof of allegations. The complainant requested formal written notification of the student's "suspension" on February 14, 2025, due to the incident that occurred on February 12, 2025. The complainant informed the school administrator that since "his wife was only verbally informed, [he] considers the suspension procedurally invalid."
8. On February 17, 2025, the BCPS school administrator responded to the complainant via email, reiterating the information previously shared with the complainant's wife about the assignment to the "Focus Room" on February 14, 2025, and provided the requested referral.
9. The email reflects the student was not "suspended," so no formal written notice of suspension was created. It further reflects that since the student had never been suspended during this school year, there was no need for a manifestation meeting.
10. There is documentation that the student received a "Student Referral Form" reflecting the February 12, 2025, behavior incident during a virtual learning day. The referral form also reflects a BCPS staff member spoke with the student and the maternal parent, and that the student would receive "one day in the focus room."
11. There is documentation that the student's BCPS Password was reset at the district level on July 24, 2023.

**DISCUSSION AND CONCLUSION:**

In this case, the complaint alleges that the student was suspended from school on February 14, 2025, for an incident that occurred on February 12, 2025, and that he did not receive suspension documentation.

In Maryland, an in-school removal is not considered a day of suspension as long as the student is afforded the opportunity to continue to:

- (i) Appropriately progress in the general curriculum;
- (ii) Receive the special education and related services specified on the student's IEP, if the student is a student with a disability (iii) Receive instruction commensurate with the program afforded to the student in the regular classroom; and
- (iv) Participate with peers as they would in their current education program to the extent appropriate. 13a.08.01.11(C)(2).

In this case, the student was removed from his regular education program and placed in the Focus Room where BCPS documentation reflects the student was able to complete his work and was provided with instruction from his teachers. Other students could participate in the Focus Room, as appropriate, in accordance with 13a.08.01.11. Accordingly, while the student was removed from his regular educational setting, he was not suspended for the February 12, 2025, incident.

Based on Findings of Fact #1 through #10 and #12, MSDE finds that the student was disciplinarily removed for one day on February 14, 2025. The one-day removal does not trigger BCPS' responsibility to follow proper procedures when disciplinarily removing a student with a disability from class, in accordance with 34 CFR § 300.530 and COMAR 13A.08.03. Therefore, MSDE does not find a violation.

## **ALLEGATION #2                      PROVISION OF ACCOMMODATIONS AND SUPPORTS**

12. The IEP in effect February 2025, was created on March 22, 2024. The IEP reflects that reading comprehension, mathematics, employment, and education/ training are areas impacted by the student's disability.

The IEP requires that the student receive 20 hours monthly of specialized instruction inside of the general education classroom provided by the general education teacher, special education teacher, and or instructional assistant in all four core academic classes, three hours weekly of specialized instruction outside of the general education classroom provided by the special education teacher, and or instructional assistant within a skills class to support his organizational needs and to receive extra academic support.

13. The March 22, 2024, IEP requires the student to be provided with special considerations and accommodations, including instructional and testing accommodations, in order to gain access to the general education curriculum. The supports are as follows:

### **Instructional supports**

- Use of word bank to reinforce vocabulary and/or when extended writing is required- Weekly as needed
- Allow use of highlighters during instruction and assignments- Weekly as needed
- Allow use of organizational aids- Weekly as needed
- Allow use of manipulatives- Weekly as needed
- Repeat and/or paraphrase information- daily as needed

- Use of organizational aids (graphic organizers) - math process charts. Graphic organizers should be provided in the student's classroom activities and assessments to assist him with solving his math problems, specifically graph paper to organize numbers while completing mathematics problems.
- Mathematics manipulatives such as base ten blocks, fraction bars, and other tools are needed for math skills.
- Teachers should have [the student] repeat/rephrase directions when working on assignments to ensure he is comprehending what he has read and is able to answer the question to the best of his ability with little to no confusion due to his deficits in reading comprehension, this should be done in all classes as needed

#### **Program modifications**

- Break down assignments into smaller units- Weekly as needed
- Reduce the number of answer choices- Weekly as needed

#### **Social/behavioral supports**

- Check-in- Periodically as needed
- Strategies to initiate and sustain attention- Daily as needed
- Provide frequent changes in activity or opportunities for movement- Daily as needed
- The early transition between classes- Daily

14. On March 12, 2025, the IEP team convened for the annual review of the student's IEP. During the meeting, the team discussed whether the student continued to be eligible for IEP services or could be supported through a Section 504 plan. A member of the IEP team reviewed the student's progress and noted that the student has access to all of his supports and accommodations; however, there is minimal data on whether the student still requires them, as "he is not using the accommodations."

The prior written notice (PWN) generated after the meeting reflects that a member of the IEP team collected teacher reports and data from informal observations. The data from 10 of the student's teachers reflects "he consistently follows classroom expectations, attends class on time, and rarely requests bathroom breaks, though two teachers mentioned he occasionally asks to use the bathroom but always returns promptly." "Eight teachers stated that [Student] keeps his materials organized, with one teacher mentioning he often stores his work in a classroom folder." "All teachers agreed that [Student] completes tasks without reminders but may need occasional prompts to stay off his phone during work." "Regarding extended time accommodations, one teacher indicated that the student occasionally utilizes extended time, while the other nine teachers reported that although it is always available, he does not use it and is often one of the first to complete timed assignments and assessments." When asked about concerns regarding organization, time management, task initiation, and emotional regulation, the teachers reported no issues.

15. There is documentation that the student received accommodations and supports as required by the IEP.

#### **CONCLUSION:**

Based on Findings of Fact #12 through #15 MSDE finds that the BCPS has ensured that the student has been consistently provided with the accommodations and supports specifically for executive functioning, as required by the IEP during the month of February 2025, in accordance with 34 CFR §§ 300.101 and .323. 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 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 at [Tracy.Givens@maryland.gov](mailto: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. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine Hickman, Ed.D.  
Assistant State Superintendent  
Division of Early Intervention and Special Education Services

AH/sj

c: Dr. Myriam Rogers, Superintendent, BCPS  
Charlene Harris, Supervisor of Compliance, Department of Special Education, BCPS  
Dr. Jason Miller, Coordinator, Special Education Compliance, BCPS  
Norma Villanueva, Compliance Specialist, BCPS  
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Alison Barmat, Branch Chief, Dispute Resolution and Family Support, MSDE  
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Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Stephanie James, Complaint Investigator, MSDE