

April 9, 2025

Ms. Jessica Williams
Education Due Process Solutions, LLC
1296 Cronson Boulevard #4071
Crofton, Maryland 21114

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

RE: [REDACTED]
Reference: #25-270

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 21, 2025, MSDE received a complaint from Ms. Jessica Williams, 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 developed an Individualized Education Program (IEP) that addressed the student’s identified behavioral needs since January 17, 2025, in accordance with 34 CFR §§ 300.101, .320, and .324.
2. The BCPS has not ensured that the IEP team reviewed and revised, as appropriate, the student’s IEP to address the lack of expected progress toward achieving the IEP goals since January 17, 2025, in accordance with 34 CFR § 300.324.
3. The BCPS has not ensured that the IEP team addressed the results of evaluations obtained at private expense provided to them by the parent since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.305 and .324.

BACKGROUND:

The student is 16 years old and is identified as a student with multiple disabilities (emotional disability (ED), specific learning disability (SLD) and other health impairment (OHI)), under the IDEA. She attended [REDACTED] School until February 18, 2025. On February 19, 2025, the student was placed by BCPS at the [REDACTED], a private separate day school. She has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The student's IEP in effect since January 17, 2025, was developed on December 9, 2024. The IEP reflects the student's disability as multiple disabilities with social emotional-behavioral as an area impacted by the disability.

The present levels of academic achievement and functional performance (PLAAFP) reflect social emotional-behavioral:

“Based upon this overall evaluation of [the student] social emotional status she exhibits characteristics of a student with an Emotional Disability. [The student] is inconsistently unable to build or maintain satisfactory interpersonal relationships with peers and adults, exhibits inappropriate feelings or behaviors under normal circumstances, and she display physical symptoms or fears related to personal or school problems. [The student's] overall profile exhibits characteristics of a student with an anxiety disorder. On the BASC-3 [the student] rated clinically significant concerns in somatization. Individuals with this response pattern typically endorse physical complaints such as headaches, stomachaches, and pain which are likely to be identified as psychosomatic symptoms. [The student's] somatic complaints reflect underlying mood dysfunction, with respect to both depression and anxiety symptoms. [The student] endorses significant concerns in forgetfulness, poor listening skills, and focusing/concentration may reflect her overall emotional challenges. These symptoms are similar to ADHD; however, these symptoms may be more reflective of her mood and emotional distress. [The student] reported concerns with developing interpersonal skills with others which may indicate poor appropriate social interactions with others. At-risk concerns were noted in self-reliance, which suggest problems with self-confidence and difficulty facing challenges. [The student's] mood problems may lack confidence because of her negative self-appraisal, and she displays anxiousness and/or lack persistence in challenging situations. [The student's] overall internal distress impacts her ability to relax and calm down when she is feeling anxious, which increases irritability frustration when faced with adversity. When evaluating [the student's] overall social-emotional conditions she displays elevated [levels] of Anxiety Symptoms on the MASC2 rating scale. Significant concerns were noted in Separation Anxiety/Phobias, Generalized Anxiety Disorder, Social Anxiety, and Physical Symptoms associated with Anxiety. [The student] shows signs of excessive worrying, being restless, and feeling sick. Children and adolescents who have trouble with anxiety usually have both symptoms (e.g., worry), and signs (e.g., restlessness). [The student's] overall lack of ability to function in a comprehensive school setting is associated with her anxiety symptoms. [The student] presents anxious thoughts and worries, avoidance of anxiety provoking situations, and distractibility associated with anxiety. [The student's] overall mood disorder has been documented for over several years in multiple environments, which adversely impacts this student's academic functioning under highly stressful conditions.”

The IEP requires the following instructional and assessment accommodations to aid in her social emotional-behavioral needs:

- Small group
- Frequent breaks
- Reduced distractions to self and others
- Extended time (1.5x)

The IEP requires the following social-behavioral, physical-environmental, and school personnel support accommodations to aid in her social emotional-behavioral needs:

- Daily:
 - Teacher check-in, flash pass to trusted adult, 5-minute early pass
 - Strategies to initiate and sustain attention
 - Adult support
- Weekly:
 - Provide structured time for organization of materials
 - Noise canceling headphones
- Monthly: social skills training
- Periodically: art therapist consults to private separate day school staff

The IEP includes the following goals:

- HHP: Social Emotional Learning: Self-Management: “By May, 2025, when [the student] is not participating (e.g. withdrawing or avoiding interaction with teacher/staff) during a school-based activity, when [the student] previously felt anxious, [the student] will select and utilize a self-calming strategy, use an “I Feel” statement to describe her current feeling state, and re-engage with the school-based activity in 3/5 targeted trials.”
 - Method of measurement: Informal procedures targeted trails
 - Criteria (Mastery and Retention): Three out of five targeted trials
 - January 24, 2025: Making sufficient progress to meet goal.
- Social Emotional Learning: Transition into School Setting: “By May 2025, given [the student’s] preferred list of coping strategies from an anxiety management plan, [the student] will attend one class period in an in-person school setting for 3 out of 5 school days as measured by observation record.”
 - Method of measurement: Observational record
 - Criteria (Mastery and Retention): Three out of five targeted trials
 - January 24, 2025: Not making sufficient progress to meet the goal (IEP team needs to meet to address insufficient progress): “While enrolled in H&H and awaiting a start date for the non-public school, this goal is currently not being addressed. The goal will be addressed when the student is provided a start date for the private separate day school or enrollment in the H&H program ends.”
- HHP: Social Emotional Learning: Participation: “By May 2025, given a provider-managed incentive program and clearly defined expectations for participation and engagement in all environments (academic, individual social work sessions, and during direct art therapy sessions), the student will participate 60% of the time by engaging verbally or through written or gestural responses in each environment, as measured by provider observation and charting.”
 - Method of measurement: Observation record, informal procedures, charting
 - Criteria (Mastery and Retention): 60% increase
 - January 24, 2025: Making sufficient progress to meet goal.

The IEP requires the provision of the following services:

- 29 hours and 21 minutes weekly of special education instruction outside the general education classroom from August 21, 2024, to May 23, 2025
- 3 sessions of 30 minutes monthly or social work services outside the general education classroom from May 23, 2024, to May 23, 2025
- 2 sessions of 30 minutes of art therapy outside the general education classroom from May 23, 2024, to May 23, 2025

The Least Restrictive Environment (LRE) requires a private separate day school. “The team reviewed all of the placement options and determined that the student’s needs can be met in a Private Separate Day program. The team determined that upon the student’s return from home and hospital, all core and elective classes will be outside the general education environment in the Private Separate Day program.”

- Three hours and 49 minutes weekly in general education
 - 29 hours and 55 minutes weekly outside general education
2. On January 21, 2025, the IEP team convened to review and revise the IEP as appropriate. The prior written notice (PWN) generated after the meeting reflects that the IEP team discussed the student’s lack of progress towards her goals due to her limited participation with the HHP social worker. The PWN also reflects that the IEP team is not addressing the “transition to school goal on the IEP” as the student is currently enrolled in the HHP.
 3. There is no documentation that the parents provided the BCPS results of evaluations obtained at private expense since the start of the 2024-2025 school year.

CONCLUSIONS:

ALLEGATION #1

DEVELOPMENT OF THE IEP

Based on Finding of Fact #1, MSDE finds that the BCPS has developed an IEP that addressed the student’s identified behavioral needs since January 17, 2025, in accordance with 34 CFR §§ 300.101, .320, and .324. Therefore, MSDE does not find a violation.

ALLEGATION #2

ADDRESS THE LACK OF PROGRESS TOWARD IEP GOALS

Based on Findings of Fact #1 and #2, MSDE finds that the BCPS has ensured that the IEP team reviewed and revised, as appropriate, the student’s IEP to address the lack of expected progress toward achieving the IEP goals, since January 17, 2025, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

ALLEGATION #3

ADDRESS PRIVATE EVALUATIONS

Based on the Finding of Fact #3, MSDE finds that there is no documentation that the BCPS was provided the results of private evaluations, there the BCPS was not required to ensure that the IEP team addressed the results of evaluations obtained at private expense provided to them by the parent since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.305 and .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 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.

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 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
Dr. Jason Miller, Coordinator, Special Education Compliance, BCPS
Norma Villanueva, Compliance Specialist, BCPS
[REDACTED], School Principal, [REDACTED] School, BCPS
Dr. Brian Morrison, Branch Chief, Accountability and Data, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
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