



Mohammed Choudhury
State Superintendent of Schools

March 4, 2022



Dr. Linda Chambers
Director of Special Education
Frederick County Public Schools
191 South East Street
Frederick, Maryland 21701

RE: [REDACTED]
Reference: #22-080

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention/Special Education Services (DEI/SES), 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.

ALLEGATION:

On January 3, 2022, the MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Frederick County Public Schools (FCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the allegation that the FCPS has not ensured that the student’s Individualized Education Program (IEP) addresses his assistive technology, speech/language and social/emotional needs since January 3, 2021, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is 17 years old and attends [REDACTED]. He is identified as a student with a Hearing Impairment under the IDEA and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

Social Emotional Needs

1. The student's IEP in effect in January 2021 identifies social emotional needs of the student related to developing coping strategies and “identifying positives”. The student’s IEP required that he be provided with four 30-minute sessions per month of therapy to assist the student in his self-management skills. The IEP contains a goal targeting his ability to demonstrate coping skills and navigate social situations.
2. During an IEP team meeting convened on September 9, September 30, and October 14, 2021, the IEP team reviewed a psychological assessment for the student by an outside provider. The assessment report was completed for the student using both American Sign Language (ASL) and spoken English. The provider contracted by the FCPS participated in the IEP team meetings where the report was reviewed.
3. Based on the results of the assessment report, the IEP team determined that the student was exhibiting signs of anxiety. To assist the student with this need, the IEP team recommended that the student continue to receive therapy from a provider in both ASL and spoken English.
4. The IEP team discussed the connection between the student’s need for interaction with other Deaf or Hard of Hearing (DHH) peers. The IEP team recognized the importance of the student interacting with other DHH peers but did not determine that it was necessary for the student to receive a Free Appropriate Public Education (FAPE). The author of the psychological report completed for the student shared that because the student has access to both ASL and spoken language that it was important for the student to develop peer relationships using both methods of communication.
5. While there is documentation that the FCPS has attempted to arrange for opportunities for the student to interact with DHH peers, there is no documentation that the student or other DHH peers have shared an interest in participating in these activities.

Interpreting and Assistive Technology Needs

6. The student's IEP, in effect in January 2021, requires that he receive the services of an interpreter during instruction.
7. During an IEP team meeting convened on September 9, September 30, and October 14, 2021, the parent proposed that interpreting alone was not sufficient for the student and that he could become fatigued during instruction without additional support. The Parent proposed the use of a live captioning system during instruction to address this need of the Student.
8. The IEP team shared input from the student’s teacher and observations of the student reflecting that the he was able to use a combination of sign language and spoken English to request that information to be repeated or clarified during instruction if needed.

9. The IEP team did not determine that the student required live captioning but agreed to continue to explore options that could be utilized in the classroom to assist the student.
10. There is documentation that the FCPS has taken steps to ensure that the student's interpreters are capable of providing the service to the student.
11. There is documentation that the FCPS staff have sought assistance from technology vendors on the feasibility and reliability of a classroom based captioning system, but were informed that there was not currently a technology solution that would be reasonably utilized in the classroom.

Speech and Language Needs

12. During an IEP team meeting convened on September 9, September 30, and October 14, 2021, the IEP team reviewed a speech/language assessment completed for the student.
13. The assessment report completed for the student was administered in both ASL and spoken English. While the speech/language pathologist who completed the report advised some caution in interpreting the results because each of the tests was not normed for the dual use of ASL and spoken English, the IEP team determined that the student's speech/language needs did not require that he receive direct speech/language services.
14. The IEP team further noted that the student had the greatest needs in pragmatic language, particularly in understanding and communicating in abstraction and nonliteral language. The IEP team determined that because the student was able to ask for understanding the need did not impact his academic performance.

CONCLUSIONS:

Based on the Findings of Facts, #1-14, the MSDE finds that the FCPS has ensured that the student's IEP addresses his assistive technology, speech/language and social/emotional needs since January 3, 2021 in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation has occurred with respect to the allegation.

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 (15) 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. 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.


Dr. Linda Chambers

March 4, 2022

Page 4

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 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,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/Early Intervention Services

MEF:gl

c: Mike Markoe
Christie Flayhart

Gerald Loiacono