



Mohammed Choudhury
State Superintendent of Schools

July 22, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Ms. Allison Myers
Executive Director of Special Education
Baltimore County Public Schools
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: [REDACTED]
Reference: #22-146

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 May 23, 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 Baltimore County Public Schools (BCPS) 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 BCPS did not ensure that the decisions regarding recovery services made on April 21, 2022 were consistent with needs of the student, in accordance with 34 CFR §300.101.

BACKGROUND:

The student is four (4) years old and attends [REDACTED] School. He is identified as a student with a Developmental Delay under the IDEA and has an IEP¹ that requires the provision of special education instruction and related services.

¹ The student received services under Part C of the IDEA prior to his identification as an eligible student under Part B of the IDEA in January 2022.

FINDINGS OF FACTS:

1. On April 21, 2022, the BCPS staff met with the complainant to determine whether the student required compensatory services to address an impact resulting from school closures during the COVID-19 pandemic. The student's Individualized Family Service Plan (IFSP) developed on March 9, 2020, required that the student receive specialized instruction, speech/language services and an occupational therapy consultation. The staff reviewed the student's needs prior to the pandemic, the services that were available to the student during virtual instruction, and the student's progress during virtual instruction. The BCPS determined that the student would receive an additional eight (8), thirty (30) minute speech sessions as compensatory education. The complainant expressed her disagreement with the determination following the meeting.
2. On July 22, 2022, the IEP team met to review the determination of the BCPS staff on April 21, 2022, that the student required eight sessions of speech/language therapy as compensatory/recovery services. The IEP team reviewed the student's performance prior to the transition to virtual learning, the student's participation in virtual services, and the student's abilities following participation in virtual learning, and determined that eight sessions was appropriate to remediate the loss of learning during school closures related to the COVID-19 pandemic. The IEP team determined that during virtual learning the student received many, but not all, of the services described on his IFSP prior to school closures. The team also determined that while the student was not making progress on some of his IFSP annual goals in the summer and fall of 2020, he was making progress on each of his goals by early 2021. During the IEP team meeting, the complainant shared concerns related to the student's placement and current needs. The IEP team offered to reconvene to address these concerns, but reiterated that the need for compensatory education was distinct from the needs that the student may have moving forward.

DISCUSSION/CONCLUSIONS:

Based on Findings of Facts #1 and #2, the MSDE finds that the BCPS has ensured that the decisions regarding recovery services made on April 21, 2022, were consistent with needs of the student, in accordance with 34 CFR §300.101. Therefore, this office does not find that a violation 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

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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. 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 Early Intervention/Special Education Services

MEF:gl

c: Darryl L. Williams
Conya Bailey
Jason Miller
Charlene Harris
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