



Mohammed Choudhury
State Superintendent of Schools

November 14, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Ms. Allison Myers
Executive Director
Baltimore County Public Schools
Jefferson Building, 4th Floor
105 W Chesapeake Avenue
Towson, Maryland 21204

RE: [REDACTED]
Reference: #23-062

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), 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 October 12, 2022, the MSDE received a complaint from [REDACTED] hereafter, “the complainant,” on behalf of his son, 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 Baltimore County Public School did not ensure the student has been consistently provided with speech and language required by the Individualized Education Program (IEP) during the 2022- 2023 school year, in accordance with 34 CFR §300.101.

BACKGROUND:

The student is 12 years old and is identified as a student with a Specific Learning Disability under the IDEA. He attends the [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student’s IEP, in effect at the start of the 2022-2023 school year, was developed on March 18, 2022. The IEP requires the provision of speech and language services outside of the general education classroom three times a month for thirty minutes each session. It also requires two times a month for thirty minutes each session inside the general education classroom.

2. There is no documentation indicating that the student has participated in speech and language therapy services since the start of the school year 2022- 2023.

CONCLUSIONS:

ALLEGATION: PROVISION OF SPEECH AND LANGUAGE SERVICES

Based on the Findings of Facts #1 and #2, the MSDE finds that the BCPS did not ensure the student has been consistently provided with speech and language required by the Individualized Education Program (IEP) during the 2022- 2023 school year, in accordance with 34 CFR §300.101. Therefore, this office finds that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student specific:

The MSDE requires the BCPS to provide documentation by December 16, 2022, of the attempts BCPS has made to hire a speech and language pathologist in order to provide the student with the speech and language services required by the IEP.

The MSDE also requires the BCPS to provide documentation by January 6, 2023, that the IEP team has convened and determined the amount and nature of compensatory services or other remedy to redress the violation and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

The MCPS must ensure that the complainant is provided with written notice of the team's decisions.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

² The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

School-Based

The MSDE requires the BCPS to provide documentation by January 31, 2023, that it has identified all students with disabilities under IDEA who were required to receive, but were not provided, speech and language services by the provider since the start of the school year 2022- 2023. For those students identified, the BCPS must ensure that an IEP team convenes and determine the amount and nature of compensatory services or other remedy to be provided to the student for the loss of services and develop a plan for the provision of those services within one (1) year of the date of this Letter of Findings. If a student transfers to another school system prior to the completion of the provision of the remedy, the BCPS must coordinate with the public agency responsible for the education of the student in order to ensure that the remedy is provided.

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.

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

MF/sj

c: Darryl L. Williams
Conya Bailey
Charleen Harris
Stephanie James