



Carey M. Wright, Ed.D.
Interim State Superintendent of Schools

November 22, 2023

[REDACTED]

Ms. Denise Mabry
Baltimore City Public Schools
200 East North Avenue, Room 204B
Baltimore, Maryland 21202

RE: [REDACTED]
Reference: #24-044

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 3, 2023, MSDE received a complaint from Ms. [REDACTED], hereafter, “the complainant,” on behalf of her daughter, the above-referenced student. In that correspondence, the complainant alleged that the Baltimore City Public School (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegation that the BCPS has not ensured that the student was provided with the speech and language services as required by her IEP since August 2023, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is five years old and is identified as a student with a speech and language impairment under the IDEA. She attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the BCPS acknowledges that the student’s IEP requires that she be provided with speech/language services, that these services have not been provided and that violations occurred with respect to the allegation identified since the beginning of the 2023-2024 school year. To address the violations with regard to the individual student, the BCPS has proposed that a contractual speech language therapist will be assigned to the student’s school to provide speech/language services to the named student

and other students affected. The BCPS further proposes that IEP team meetings will be convened for each student to determine the educational impact of the missed services and the remedy, including compensatory services for each student.

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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner. This office will follow up with the public agency to ensure that it completes the required actions consistent with 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. Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student Specific

MSDE requires the BCPS to provide documentation by January 5, 2024, that the student is receiving the speech/language services required by her IEP and that the IEP team has convened and determined the amount and nature of compensatory services or other remedies to redress the violation. The IEP team must develop and implement a plan for the provision of those services within a year of the date of this Letter of Findings. The student's parent retains the right to file mediation and due process in response to this allegation.

School Based

MSDE requires the BCPS to inform MSDE by January 5, 2024, of schools that have a speech and language pathologist vacancy. MSDE further requires the BCPS to inform all parents and guardians of students who require speech and language services as part of their IEP of any vacancy and/or updates to already notified parents and guardians by January 5, 2024. In addition, MSDE requires the BCPS to develop and implement an action plan where there is a speech pathologist vacancy by January 5, 2024, to implement the IEPs of students requiring speech and language services. This plan can include contracting with private providers, virtual speech and language service sessions (as appropriate), or reimbursement to parents and guardians if they have secured outside services, until the speech and language vacancy at the school is filled.

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.

[REDACTED]
Ms. Denise Mabry
November 22, 2023
Page 3

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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMC: sd

c: Sonja Santelises
Rachel Pfeifer
Christa McGonigal
[REDACTED]
Antoine Hickman
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney
Paige Bradford
Nicol Elliott