

January 17, 2025

[REDACTED]

Ms. Denise T. Mabry  
Director of Compliance and Due Process  
Baltimore City Public Schools  
200 E. North Avenue, Room 204 B  
Baltimore, Maryland 21202

Re: [REDACTED]  
Reference #25-146

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 November 21, 2024, the MSDE received a complaint from [REDACTED], hereafter “the complainant,” on behalf of 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) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The BCPS has not ensured that the student has been provided with related services as required by the Individualized Education Program (IEP) since November 2023, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the complainant alleges the student requires in-person speech-language services as specified in her IEP.
2. The BCPS did not ensure that the IEP team addressed the parent’s concerns regarding the delivery of speech-language services for the student since May 2024, in accordance with 34 CFR § 300.324.

**BACKGROUND:**

The student is seven years old and is identified as a student with Speech-Language Impairment (SLI) under the IDEA. The student currently attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACT:**

1. The IEP in effect during November 2023, created on May 2, 2023, identifies needs in Cognitive, Pre-Writing, Speech-language Articulation, Speech-language Expressive Language, Speech-language Receptive Language, Social Emotional/Behavioral, Early Learning Skills- Language and Literacy, Early Learning Skills-Mathematics. Goals within the IEP address these areas of concern.
2. The May 2, 2023, IEP reflects that the student requires:
  - Three hours weekly of specialized instruction outside of the general education classroom in the areas of Early Reading, Pre-Writing, and Early Mathematics;
  - Two hours weekly of specialized instruction inside of the general education classroom to address in the area of Reading/Writing; and
  - 30 minutes each week of Speech-Language therapy outside of the general education classroom provided by the speech-language pathologist to address speech articulation, expressive language, and receptive language deficits.
3. On December 13, 2023, BCPS generated a letter to all parents of students receiving Speech-Language services as a related service. It was emailed to the complainant on December 21, 2023. The letter explained that BCPS has been affected by a “nationwide shortage of speech-language pathologists, which may have impacted students and resulted in missed services.” To address this issue, BCPS secured new contractual staff, hired speech-language assistants, and implemented virtual learning as an alternative to in-person services, which has been approved by MSDE.

The letter further stated that BCPS has secured sufficient speech-language pathologist coverage to ensure all missed services are made up within the next few weeks. Parents were informed that the special education team would calculate the number of sessions each student missed to ensure they were provided during the remainder of the 2023-2024 school year. Make-up sessions will be offered throughout the school day.

Additionally, the letter noted that during the student’s next IEP meeting the team will discuss the missed services as part of free appropriate public education (FAPE) and determine if the missed services had any negative educational impact.

4. On April 26, 2024, the IEP team convened to update the student’s annual IEP and to discuss the student’s academic and communication growth and continued needs. The Prior Written Notice (PWN) generated after the meeting reflects that the IEP team proposed reviewing the student’s progress toward her Speech-Language goals to determine her growth and areas of continued need and update her Speech-Language IEP goals. Additionally, the IEP team planned to discuss FAPE and determine whether the student experienced any educational loss or harmful impact due to missed speech services.

The PWN reflects the student made good progress or achieved her goals in speech articulation, expressive language, and receptive language. The speech pathologist reported that the student mastered her articulation goal related to producing /SH/ sounds and her receptive language goal of identifying similarities and differences. However, the speech pathologist noted that the student did not master her expressive language goal.

5. During the meeting, the IEP team discussed FAPE as part of the student's IEP review. From August 28 to November 27, 2023, during the first quarter of the 2023-2024 school year, and again from early February to early March 2024, the student did not receive speech services due to the district's inability to assign a speech-language pathologist (SLP) to the school as a result of the nationwide shortage. Although the district sent information home stating that missed services would be made up by a speech-language therapist, the complainant reported that they did not receive this information.

The IEP team also discussed the student's IEP progress report for the first quarter in November 2023 was incomplete in the area of speech/language. It was later finalized in January 2024 and again in April 2024. The student missed approximately 14 sessions between August 28 and November 27, 2023, and four sessions from early February to early March 2024, totaling approximately 18 missed sessions.

The IEP team reviewed the student's progress and determined that she was making sufficient progress based on the following data:

- Progress reports showing growth;
- Passing grades in all content areas;
- Progress toward the general education curriculum with accommodations;
- Results from informal diagnostic assessments in reading and math;
- Progress on IEP goals as reflected in the IEP report card; and
- Teacher and parent input.

Based on this review, the team concluded that the student had made progress despite missing speech services, had not experienced educational loss or harm at this time and did not warrant compensatory services. The PWN reflects that the IEP team proposed increasing the student's Speech-Language services from 30 minutes to one hour weekly to address her deficits in speech articulation, expressive language, and receptive language.

6. The PWN reflects the complainant disagreed with the IEP team's determination and stated that they have observed a significant impact. As a remedy to the systemic issue in BCPS regarding the missed sessions, the IEP team determined that the student would receive make-up speech services for the 18 missed sessions. The Speech-Language Pathologist and/or members of the IEP team noted they would inform the complainant about the logistics for delivering the missed services once the information was provided by the City Schools' Related Services Office or the Speech-Language Department.
7. On May 24, 2024, BCPS generated a letter to parents of students receiving Speech-Language services regarding make-up sessions for missed services. BCPS provided two options for completing the missed sessions: they could be made up in school during the summer if the student was attending a summer program or Extended School Year (ESY), or they could be provided virtually during afternoons, evenings, or weekends, requiring the student to have access to a computer and an adult present for oversight.
8. During July 3, 2024, to July 8, 2024, a member of the IEP team contacted the complainant to attempt to make up for the student's missed sessions.

9. On July 18, 2024, a member from BCPS emailed the complainant to discuss make-up sessions for the student. The complainant responded via phone stating that “she has already declined these make-up sessions during the summer via written letter to the school.”
10. On December 3, 2024, a member of the IEP team contacted the complainant to discuss her concern regarding missing/compensatory services and informed the complainant that the student has been receiving services consistently since August 2024. The complainant clarified her concerns are for compensatory strategies as they declined the offer for virtual services.
11. There is documentation that the student received one makeup session.
12. There is no documentation reflecting that the complainant expressed concerns about whether the student can receive her Speech-Language services in person or virtually.

### **CONCLUSIONS:**

#### **ALLEGATION #1: PROVISION OF SPEECH-LANGUAGE SERVICES**

Based on Findings of Fact #2, #3, #5, #7 through #11, MSDE finds that the BCPS has not ensured that the student has been provided with related services as required by the IEP since November 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation did occur concerning this aspect of the allegation.

Notwithstanding the violation, based on Findings of Fact #7 through #11, the IEP team determined that the student would receive 18 sessions to remedy the systemic issue that could be made up over the summer. However, due to the mode of delivery of services, the parent declined the services. Therefore, no student-based corrective action is required.

#### **ALLEGATION #2 ADDRESS THE PARENTAL CONCERN**

Based on Finding of Fact #12, MSDE finds that the complainant did not raise concerns regarding the method of delivery of speech-language services for the student since May 2024 in accordance with 34 CFR § 300.324. Therefore, this office finds that a violation did not occur concerning the allegation.

### **TIMELINE:**

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 at [Tracy.Givens@maryland.gov](mailto: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 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,

Antoine L. Hickman, Ed.D.  
Assistant State Superintendent  
Division of Early Intervention and Special Education Services

ALH/sj

c: Sonja Santelises, Superintendent, BCPS  
Christa McGonigal, Educational Specialist, BCPS  
[REDACTED], Principal, BCPS  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Dr. Paige Bradford, Section Chief, Programmatic Support and Technical Assistance, MSDE  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Stephanie James, Complaint Investigator, MSDE