



Mohammed Choudhury
State Superintendent of Schools

July 21, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Ms. Conya J. Bailey
Baltimore County Public Schools
Jefferson Building, 4th Floor
105 W Chesapeake Avenue
Towson, MD 21204

RE: [REDACTED]
Reference: #22- 179

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 June 7, 2022, the MSDE received a complaint from Ms. [REDACTED], hereafter, “the complainant,” on behalf of her son, the above-referenced student. In that correspondence, the complainant alleged that the Baltimore County Public School (BCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the following allegation:

1. The Baltimore County Public School has not ensured that the student was provided with a Free Appropriate Public Education (FAPE), as required by the student’s Individualized Education Program (IEP) from February 15, 2022, through May 31, 2022, in accordance with 34 CFR § 300.101.

Ms. Conya J. Bailey

July 21, 2022

Page 2

BACKGROUND:

The student is four years old and is identified as a student with a Developmental Delay under the IDEA. He attends [REDACTED] a private daycare setting, and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student's IEP, developed on February 15, 2022, requires that he be provided with two thirty-minute sessions of speech and language therapy weekly. During the IEP team meeting, the parent requested that the student receive his speech/language services in his daycare setting. The BCPS members of the IEP team instructed the parent to register the student for services at Summit Point Elementary School, the school closest to his home to initiate the process.
2. On March 23, 2022, the complainant sent an email to the BCPS staff requesting that the student receive services at his daycare on Mondays, Wednesdays, or Fridays when he would be present. In response, the BCPS indicated that the student could receive services at his daycare on Tuesdays when the clinician was scheduled to provide services to other students at that location. The BCPS alternatively offered to provide services to the student virtually, or at another BCPS school, or on another day. The complainant responded that the alternatives proposed by the BCPS would interfere with the student's private therapy schedule and that the student was not available at other times.
3. On May 25, 2022, the IEP team met with the parents to discuss the student's speech and language therapy services. During the May 25, 2022, meeting, the BCPS staff provided the parents with the option for the student to receive his speech/language services at different BCPS schools, including the school nearest the student's home, nearest the student's daycare, or virtually. The complainant declined services at any other location or virtually.
4. Participation in preschool services is not mandatory. Parents may elect for their child not to attend.

CONCLUSIONS:

In this complaint, the complaint alleges that BCPS has not ensured her son was provided with a (FAPE), as required by the student's Individualized Education Program (IEP) from February 15, 2022, through May 25, 2022.

██████████
Ms. Conya J. Bailey

July 21, 2022

Page 3

Based on Findings of Facts #1 to #3, the MSDE finds that there is documentation that the BCPS has made speech/language services available to the student since February 2022, in accordance with 34 CFR § 300.101. The complainant has elected not to access the services that have been made available to the student through any of the options offered by BCPS. Therefore, this office does not find that a violation occurred with respect to this 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.

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
Allison Myers
Jason Miller
Charlene Harris
Alison Barmat
██████████
Gerald Loiacono
Stephanie James