



Mohammed Choudhury
State Superintendent of Schools

November 17, 2022

Ms. Sharon R. Saroff
123 Embleton Road
Owings Mills, Maryland 21117

Ms. Allison Myers
Executive Director
Baltimore County Public Schools
Department of Special Education
Jefferson Building, 4th Floor
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: [REDACTED]
Reference: #23-046

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.

ALLEGATIONS:

On September 21, 2022, the MSDE received a complaint from Ms. Sharon R. Saroff, 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 following allegations:

1. The BCPS did not ensure that the student was provided with speech and language services for the Extended School Year (ESY) services required by the Individualized Education Program (IEP) since July 2022, in accordance with 34 CFR §300.101.
2. The BCPS did not implement the decision made by the IEP team on July 22, 2022, to provide compensatory education services to the student, in accordance with 34 CFR §300.101.

BACKGROUND:

The student is eight (8) years old and is identified as a student with a Specific Learning Disability under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The student's IEP, dated April 5, 2022, reflects the student was required to receive two (2) hours per week of speech and language services for ESY 2022.
2. The IEP Team Summary drafted after the July 22, 2022, IEP team meeting reflects the "BCPS was unable to hire a Speech and Language Pathologist to deliver ESY services"; the student should have received sixteen (16) thirty (30) minute sessions. The IEP team "felt that the best option" was for the missed services to be provided before the beginning of the 2022-2023 school year. The school team sought confirmation from the BCPS as to whether the services could be provided prior to the new school year. The BCPS speech and language pathologist offered to provide services on ESY days from 1:30 p.m. - 3:45 p.m. After the conclusion of ESY 2022, the schedule was open between 8:30 a.m.- 3:45 p.m. The parents disagreed with the compensatory education schedule. The BCPS' IEP Chair agreed to update the family "when she receives more information" from the BCPS to address compensatory education services. There is no documentation that "more information" was received regarding compensatory services.
3. There is no documentation that the BCPS has implemented the decision made by the IEP team on July 22, 2022.

CONCLUSIONS:

ALLEGATION #1: PROVISION OF ESY SPEECH AND LANGUAGE SERVICES

Based on the Finding of Facts #1 and #2, the MSDE finds that BCPS did not ensure that the student was provided with speech and language services for the Extended School Year (ESY) services required by the IEP since July 2022, in accordance with 34 CFR §300.101. Therefore, this office finds that a violation occurred with respect to this allegation.

ALLEGATION #2: IMPLEMENTATION OF IEP TEAM DECISIONS

Based on the Findings of Facts #2 and #3, the MSDE finds that the BCPS did not implement the decision made by the IEP team on July 22, 2022, to provide compensatory education services to the student, in accordance with 34 CFR §300.101. Therefore, this office finds that a violation occurred with respect to this 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 non-compliance 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 the MSDE Special Education State Complaint Resolution Procedures.

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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 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:

The MSDE requires the BCPS to provide documentation by January 16, 2023, that the school system has implemented the decision made by the IEP team on July 22, 2022, to provide compensatory education services to the student.

The BCPS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School Based:

The MSDE requires the BCPS to provide documentation by February 1, 2023, identifying all students at [REDACTED] School for ESY 2022 who did not receive speech and language services. The BCPS must develop compensatory education plans for each student and provide the plans to MSDE by March 31, 2023.

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

MEF/tg

c: Darryl Williams Jason Miller Charlene Harris
[REDACTED] Alison Barmat Diane Eisenstadt
Tracy Givens