



April 13, 2023



Ms. Allison Myers
Executive Director
Special Education Services
Baltimore County Public Schools
105 W Chesapeake Ave,
Towson, Maryland 21204

RE: [REDACTED]
Reference: #23-151

Dear Parties:

Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 February 22, 2022, MSDE received a complaint from Ms. [REDACTED], 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.

MSDE investigated the allegation that the BCPS has not ensured that the student has been consistently provided with the speech/language and occupational therapy services required by the IEP since the beginning of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is twelve years old and attends [REDACTED]. She is identified as a student with Autism under the IDEA and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student’s IEP, in effect at the beginning of the 2022-2023 school year, was developed on February 9, 2022. The areas affected by the disability are Reading, Mathematics, Social/Emotional/Behavioral, Communication and Visual Perceptual Motor. The IEP requires that the student be provided with two, thirty (30) minute sessions of speech language (SL) services per month and one thirty (30) minute session of occupational therapy (OT) services per month.

2. On February 6, 2023, the IEP team determined that the student continued to require SL services twice monthly for thirty (30) minutes per session, but determined that the student would receive OT consultation for fifteen (15) minutes quarterly.
3. Service logs for 2022-2023 school year reflect that the student did not consistently receive speech and language and occupational therapy services from the start of the school year to January 31, 2023. The student has been absent from school since January 31, 2023, and has not received related services. Attendance records dated March 27, 2023, reflect the student has been absent 58 days since the start of the 2022-2023 school year.

CONCLUSION:

Based on the Findings of Facts #1 through #3, MSDE finds that while there is documentation that the student was provided with some services as required by her IEP during some of the time periods in question, there is not documentation that all services were consistently provided for since the beginning of the 2022-2023 school year in accordance with 34 CFR §§300.101 and .323. 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, 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 Baltimore County Public Schools to provide documentation by July 14, 2023, that the student is receiving speech/language and occupational therapy services required by the IEP. The BCPS must provide documentation that the IEP team has met to review and, if appropriate, revise the present level of performance and determine whether the lack of the provision of speech/language service during the 2022-2023 school year resulted in a negative impact to the student. If so, it must also determine the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services within one (1) year of the date of this Letter of Findings.

The BCPS must ensure that the IEP team considers the difference between the student's present and expected levels of performance in light of her absences when determining the services needed to remediate the violations.

[REDACTED]
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The BCPS must also ensure that the parents are provided with written notice of the team's decisions. The parents maintain the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

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

Sincerely,

Dr. Deann Collins
Deputy Superintendent
Division of Early Intervention/Special Education Services

DMC:ra

c: Darryl Williams
Charleen Harris
Conya Bailey
[REDACTED]
Gerald Loiacono
Diane Eisenstadt
Rabiatu Akinlolu