



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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June 10, 2015

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Ms. Rebecca Rider
Director of Special Education
Baltimore County Public Schools
The Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: XXXXX
Reference: #15-069

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 April 30, 2015, the MSDE received a complaint from Ms. XXXXXXXXXXXX, hereafter, “the complainant,” on behalf of her daughter, 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 student.

The MSDE investigated the allegation that the BCPS has not ensured that the student has been provided with the amount of speech/language services require by the Individualized Education Program (IEP) since April 30, 2014,¹ in accordance with 34 CFR §§300.101 and .323.

INVESTIGATIVE PROCEDURES:

1. On March 26, 2015, the complainant provided correspondence to the MSDE in which concerns were raised about the provision of special education services to the student.

¹ While the complainant alleged that the violation occurred beyond this date, she was informed, in writing, that this office may only address violations that are alleged to have occurred within one (1) year through the State complaint investigation procedure (34 CFR §300.153).

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2. On March 31, 2015, Mr. Kenneth Hudock, Family Support Services Specialist, MSDE, conducted a telephone interview with the complainant about the concerns raised in the correspondence. As a result of that telephone conversation, the complainant informed the MSDE that she was withdrawing the State complaint in order to attempt to resolve the dispute informally.
3. On April 30, 2015, the complainant re-filed the complaint and the MSDE sent a copy of the complaint, via facsimile, to Ms. Rebecca Rider, Director of Special Education, BCPS.
4. On May 1, 2015, the MSDE sent correspondence to the complainant that identified the allegation subject to this investigation and requested that the BCPS review the alleged violation.
5. On May 29, 2015, the BCPS acknowledged that the violation occurred. On that date, the MSDE requested documentation from the BCPS.
6. On June 2, 2015, the BCPS provided the MSDE with the requested documentation.
7. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEP, dated April 21, 2015; and
 - b. Electronic mail correspondence between the MSDE and the BCPS, dated May 29, 2015.

BACKGROUND:

The student is twelve (12) years old, is identified as a student with an Intellectual Disability under the IDEA, and attends XXXXXXXXXXXXXXXXXXXX. She has an IEP that requires the provision of special education and related services (Doc. a).

During the period of time addressed by this investigation, the student's parents participated in the education-making process and were provided with written notice of the procedural safeguards (Doc. a).

SUMMARY OF FINDINGS AND CONCLUSIONS:

The BCPS acknowledges that the student has not been provided with the amount of speech/language services required by the IEP since April 30, 2014, and that the student is owed compensatory speech services. The MSDE appreciates the BCPS' response and its cooperation with the investigation.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the BCPS to provide documentation by August 1, 2015 that the IEP team has determined the services required to compensate the student for the loss of speech/language therapy. The documentation must reflect that the IEP team has developed a plan for the provision of the compensatory services to the student within one (1) year of the date of this letter, including how the compensatory services will be provided without the loss of ongoing speech/language services that is required by the IEP.

Similarly-Situated Students

The MSDE requires the BCPS to provide documentation by the start of the 2015-2016 school year that it has identified any other students at XXXXXXXXXXXXXXXXXXXX who have not been provided with speech/language services as required by their IEP. The MSDE further requires that a plan be developed to provide compensatory services to these students within one (1) year of the date of this letter.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Kathy Aux, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that both the complainant and the BCPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings.

If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The student's parents and the school system maintain the right to request mediation or to file a due process complaint, if they disagree with the identification, evaluation,

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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 Special Education/
Early Intervention Services

MEF/am

c: S. Dallas Dance
Debra Brooks
Conya Bailey
Denise T. Mabry
XXXXXXXXXXXX
Dori Wilson
Anita Mandis
Kathy Aux