

May 24, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Michael Thatcher  
Director of Special Education  
102 South Hickory Avenue  
Bel Air, MD 21014

RE: [REDACTED]  
Reference: #22-124

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 March 25, 2022, the MSDE received a complaint from Mr. [REDACTED], hereafter, “the complainants,” on behalf of their son, the above-referenced student. In that correspondence, the complainants alleged that the Harford County Public Schools (HCPS) 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 HCPS did not ensure that an Individualized Education Program (IEP) team meeting convened on February 24 and 28, 2022, included the required participants, in accordance with 34 CFR §§300.321 and .325.
2. The HCPS did not permit the student’s parents to fully participate in the IEP team meeting on February 24 and 28, 2022, in accordance with 34 CFR §§300.322 and .324.

## **BACKGROUND:**

The student is ten (10) years old and is identified as a student with Emotional Disability (ED) under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

## **FINDINGS OF FACTS:**

1. On February 24, 2022, the IEP team convened for the student to review/revise his IEP, as appropriate, and discuss his least restrictive environment. The IEP team meeting began with an opportunity for the family to provide input; however, the family's advocate shared that the "parents would provide input during the review of the IEP." During the IEP team meeting, the complainants "emphasized that the student requires a placement and treatment that meets his needs." The complainants also stated that the "past several months have been difficult for the student; he comes home depressed, discussing his perception of his lack of friendships" and requires a placement "that supports stabilizing him and helps him to regulate his emotions." The student's grandmother shared his behavior in her presence and the techniques she uses with him before school. The complainants expressed that the team "has great intentions reviewing and articulating the IEP, but in reality, the student is not successful" in the current school setting. Due to time constraints, the meeting was set to reconvene on February 28, 2022.
2. There is documentation that the student's Parents, Grandmother, Family Advocate, IEP Chairperson, two School Psychologists, Special Education Coordinator, Teacher Specialist, Case Manager, General Education Teacher, and Assistant Principal were present at the IEP meeting. Additionally, the following representatives of the classroom support program (CSP) program were present: Assistant Principal, School Psychologist Intern, and School Social Worker.
3. On February 28, 2022, the IEP team met to complete their review of the student's IEP. The IEP team considered the following options for the implementation of the student's IEP: "instruction inside and/or outside the general education environment" at the student's current school, "instruction outside the general education environment" at the student's current school, "instruction inside and/or outside the general education environment" at a CSP, "instruction outside the general education environment through the CSP, and instruction outside the general education environment through a private separate day setting, non-public placement." The complainants disagreed with placement in a CSP due to the student being "unsuccessful in prior clinical day programs and shared that the student is a candidate for residential placement." The parent's advocate stated "in her opinion the student requires a non-public placement." The student's private psychologist "pointed out the student to teacher ratio, IEP specifics that align with the student's needs, and the proximity of the program to his residence" and that a non-public placement was available for the student. The school staff discussed their concerns with

placement in a non-public setting. The IEP team members from the CSP discussed implementation of the student's IEP within a CSP and determined that the IEP could be implemented in that setting. The IEP team proposed a CSP located within a HCPS comprehensive school. The IEP team explained that the student's IEP supports can be implemented at the CSP and it is in close proximity to the student's residence. The IEP team rejected placement in a private separate day school. The complainants were invited to tour the CSP program, and agreed to meet with the program representatives to plan for the student's transition.

4. There is documentation that the Parents, Grandmother, student's Psychologist, parent's Advocate, IEP Chairperson, two School Psychologists, Special Education Coordinator, Teacher Specialist, Case Manager, General Education Teacher, Principal, and Assistant Principal were present at the February 28, 2022 IEP team meeting. Additionally, the following representatives of the CSP program were present: Assistant Principal, School Social Worker, and Special Education Teacher.

### **CONCLUSIONS:**

#### **ALLEGATION #1:**

#### **REQUIRED IEP TEAM PARTICIPANTS**

Based upon the Findings of Fact #2, and #4, the MSDE finds that the HCPS did ensure that an IEP team meeting convened on February 24 and 28, 2022, included the required participants, in accordance with 34 CFR §§300.321 and .325. Therefore this office does not find that a violation occurred with respect to the allegation.

#### **ALLEGATION #2:**

#### **PARENT PARTICIPATION IN IEP TEAM MEETING**

Based upon the Findings of Fact #1, and #3, the MSDE finds that the HCPS did permit the student's parents to fully participate in the IEP team meeting on February 24 and 28, 2022, in accordance with 34 CFR §§300.322 and .324. Therefore this office does not find that a violation occurred with respect to 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 (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.

[REDACTED]  
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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: Sean Bulson  
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