




**Mohammed Choudhury**  
State Superintendent of Schools

July 15, 2021




Dr. Terri Savage  
Executive Director of Special Education  
Howard County Public Schools  
10910 Clarksville Pike  
Ellicott City, Maryland 21042

RE:   
Reference: #21-101

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 May 19, 2021, the MSDE received a complaint from Ms.  hereafter, “the complainant,” on behalf of her daughter, the above-referenced student. In that correspondence, the complainant alleged that the Howard 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 follow proper procedures in responding to a request for an Individualized Education Program (IEP) team meeting in March 2021, in accordance with 34 CFR §300.503.
2. The HCPS did not ensure that a copy of the IEP document was provided within five (5) business days after the IEP team meetings held since May 26, 2020, in accordance with COMAR 13A.05.01.07.
3. The HCPS has not ensured that the IEP is reasonably calculated to address the student’s identified reading needs in light of her circumstances since May 19, 2020, in accordance with 34 CFR §§300.101, .320, and .324.

4. The HCPS did not consider the student's need for Extended School Year (ESY) services during the 2020 - 2021 school year, in accordance with 34 CFR §300.106, COMAR 13A.05.01.07 and COMAR 13A.05.01.08.
5. The HCPS has not ensured that copies of recorded IEP team meetings and the student's psychological evaluations have been maintained in her educational record during the 2020 - 2021 school year, in accordance with COMAR 13A.08.02 and the Maryland Student Records Manual.

### **BACKGROUND:**

The student is nineteen (19) years old and is identified as a student with Autism under the IDEA. She attended [REDACTED] School during the 2020 - 2021 school year and had an IEP that required the provision of special education instruction and related services.

### **FINDINGS OF FACTS:**

1. In its written response to this State complaint, the HCPS acknowledges that violations occurred with respect to allegations #1 - #5. Specifically, the HCPS acknowledges that proper procedures were not followed when responding to a request for an IEP team meeting, the provision of IEP documents within five (5) business days after an IEP team meeting, an IEP that addressed the student's reading needs, an ESY services determination for the student, and maintaining the psychological evaluations and IEP team meeting recordings in the student's educational record. The HCPS reports that the educational record now includes those documents and recordings.
2. There is documentation that the student graduated from [REDACTED] School with a Maryland High School Diploma at the end of the 2020 - 2021 school year. Notwithstanding, on June 11, 2021, the school staff provided the complainant with an offer of "Compensatory Education/Recovery Services" for the student which included 252 hours of compensatory services in reading comprehension, written language, and study/organizational skills to remediate the violations.

### **CONCLUSION:**

Based on the Findings of Facts #1 and #2, the MSDE concurs with the HCPS conclusions that violations occurred, and appreciate the school system's response to the investigation.

### **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 noncompliance is corrected in a timely manner.<sup>1</sup> 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.

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 Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Dr. Birenbaum can be reached at (410) 767-7770 or by email at nancy.birenbaum@maryland.gov.

#### Student-Specific

The MSDE requires the HCPS to provide documentation that the complainant has been offered the opportunity to inspect and review the student's educational record now that it has been updated.

#### School-Based

The MSDE requires the HCPS to provide documentation of the steps taken to ensure that the violations do not recur at [REDACTED] School.

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,

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<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

<sup>2</sup> The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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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:ac

c: Michael J. Martirano  
Kathy Stump  
■  
Dori Wilson  
Anita Mandis  
Albert Chichester  
Nancy Birenbaum