



Mohammed Choudhury
State Superintendent of Schools

August 9, 2021



Dr. Terrell Savage
Executive Director of Special Education
Howard County Public School System
10910 Clarksville Pike
Ellicott City, Maryland 21042

RE: [REDACTED]
Reference: # 21-116

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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 June 22, 2021, the MSDE received a complaint from Ms. [REDACTED] and Mr. [REDACTED] hereafter, “the complainants,” on behalf of their daughter, the above-referenced student. In that correspondence, the complainants alleged that the Howard County Public School System (HCPSS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the allegation that the HCPSS did not ensure that an IDEA evaluation was completed within the required timelines, in accordance with 34 CFR §300.301 and COMAR 13A.05.01.06.

BACKGROUND:

The student is six (6) years old, is identified as a student with a Speech/Language Impairment under the IDEA, and has an IEP that requires the provision of special education services. She attends [REDACTED].

SUMMARY OF FINDINGS AND CONCLUSIONS:

The HCPSS acknowledges that the violation occurred, and proposes to provide the student with compensatory services to remediate the delay in the provision of a Free Appropriate Public Education (FAPE). The school system reports that in order to ensure that the violation does not recur, it is contracting with private evaluators to conduct assessments, training HCPSS staff on the delivery of virtual assessments, and approving requests for funding of privately-obtained assessments. The MSDE appreciates the school system's response and concurs with the conclusion that a violation occurred, as well as the proposed corrective actions.

CORRECTIVE ACTIONS/TIMEFRAMES:

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.¹

This office will follow up with the public agency to ensure that it completes the required action consistent with the MSDE Special Education State Complaint Resolution Procedures. If the public agency anticipates that the timeframe below may not be met, or if any of the parties 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.² Dr. Birenbaum can be reached at (410) 767-7770 and nancy.birenbaum@maryland.gov.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency must 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.

² The MSDE will notify the Directors of Special Education of any corrective action that has not been completed within the required timelines.

Student-Specific:

The MSDE requires the HCPSS to provide documentation that the IEP team has determined the compensatory services or other remedy to redress the delay in identifying the student as a student with a disability under the IDEA and the offer of a FAPE.

System-Based:

The MSDE requires the HCPSS to provide documentation of steps taken to ensure the violation does not recur within the school system. Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Early Intervention and Special Education Services, MSDE.

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 timeframes 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 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
and Special Education Services

MEF/sf

c: Michael Martirano
Kathy Stump

Dori Wilson

Anita Mandis
Sharon Floyd
Nancy Birenbaum