



January 26, 2023



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

RE: [REDACTED]
Reference: #23-104

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 December 5, 2022, MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of her daughter, the above-referenced student. In that correspondence, the complainant alleged that the Howard County Public School System (HCPSS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The HCPSS has not ensured that the student was provided with consistent special education instruction, specifically in reading comprehension, science, social studies, and health, as required by the Individualized Education Program (IEP) since May 2022, in accordance with 34 CFR §§300.101 and .323.
2. The HCPSS has not ensured that the student was provided with consistent related services, specifically speech and language and occupational therapy, as required by the IEP since May 2022, in accordance with 34 CFR §§300.101 and .323.
3. The HCPSS has not ensured that the complainant was provided with appropriate quarterly progress reports on the student’s progress toward achieving the annual IEP goals since May 2022, in accordance with 34 CFR §300.320.

BACKGROUND:

The student is nine years old and is identified as a student with an intellectual disability under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1: PROVISION OF SPECIAL EDUCATION INSTRUCTION

FINDINGS OF FACTS:

1. The student's IEP, developed on May 18, 2022, requires that the student pursue a Maryland High School Diploma, and participate in the general education curriculum. Furthermore, it requires that the student be provided 20 hours and 10 minutes per week of instruction outside of the general education classroom and 1 hour and 15 minutes per week of instruction inside the general education classroom.
2. While there is documentation of the provision of special education instruction, specifically in reading comprehension, science, and health, there has been no documentation of special education instruction in social studies since May 2022.

CONCLUSION:

Based upon the Findings of Facts #1- #2, MSDE finds that the HCPSS has ensured that the student was provided with consistent special education instruction in reading comprehension, science, and health, as required by the Individualized Education Program (IEP) since May 2022. However, they have not provided documentation that ensures the provision of specialized instruction in social studies, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation has occurred with respect to allegation #1.

ALLEGATION #2: PROVISION OF RELATED SERVICES

FINDINGS OF FACTS:

3. The student's IEP, developed on May 18, 2022, requires that the student be provided with 1 hour per week of occupational therapy and 1 hour and 20 minutes per week of speech and language therapy.
4. There is documentation demonstrating the provision of speech and language services as required by the student's IEP since May 2022.
5. There is documentation, demonstrating the provision of occupational therapy as required by the student's IEP since May 2022.

CONCLUSION:

Based upon the Findings of Facts #3- #5, MSDE finds that the HCPSS has ensured that the student was provided with consistent related services, specifically speech and language and occupational therapy, as required by the IEP since May 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation has occurred with respect to allegation #2.

ALLEGATION #3: PROVISION OF QUARTERLY PROGRESS REPORTS

FINDINGS OF FACTS:

6. The student's IEP, developed on May 18, 2022, reflects goals in the areas of self-management/behavior, written expression mechanics (goal 1), written expression mechanics (goal 2), written expression mechanics (goal 3), speech articulation, speaking and listening, reading comprehension (goal 1), reading comprehension (goal 2), reading foundational skills (goal 1), reading foundational skills (goal 2), reading foundational skills (goal 3), math calculation (goal 1), math calculation (goal 2), and math calculation (goal 3).
7. The self-management/behavior goal progress reported on June 17, 2022, and November 2, 2022, indicates that the student achieved the goal. In addition, the narrative and data reported directly correlate to the self-management/behavior goal.
8. The written expression mechanics (goal 1) goal progress reported on June 17, 2022, July 29, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the written expression mechanics (goal 1) goal.
9. The written expression mechanics (goal 2) goal progress reported on June 17, 2022, July 29, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the written expression mechanics (goal 2) goal.
10. The written expression mechanics (goal 3) goal progress reported on June 17, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the written expression mechanics (goal 3) goal.
11. The speech articulation goal progress reported on June 17, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the speech articulation goal.
12. The speaking and listening goal progress reported on June 17, 2022, July 29, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the speaking and listening goal.
13. The reading comprehension (goal 1) goal progress reported on June 17, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the reading comprehension (goal 1) goal.
14. The reading comprehension (goal 2) goal progress reported on June 17, 2022, and November 2, 2022, indicates that on June 17, 2022, the student was making sufficient progress in meeting the goal, and on November 2, 2022, the student achieved the goal. In addition, the narrative and data reported directly correlate to the reading comprehension (goal 2) goal.

15. The reading foundational skills (goal 1) goal progress reported on June 17, 2022, July 29, 2022, and November 2, 2022, indicates that on June 17, 2022, and July 29, 2022, the student was making sufficient progress in meeting the goal, and on November 2, 2022, the student achieved the goal. In addition, the narrative and data reported directly correlate to the reading foundational skills (goal 1) goal.
16. The reading foundational skills (goal 2) goal progress reported on June 17, 2022, and November 2, 2022, indicates that on June 17, 2022, the student was making sufficient progress in meeting the goal, and on November 2, 2022, the student achieved the goal. In addition, the narrative and data reported directly correlate to the reading foundational skills (goal 2) goal.
17. The reading foundational skills (goal 3) goal progress reported on June 17, 2022, July 29, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the reading foundational skills (goal 3) goal.
18. The math calculations (goal 1) goal progress reported on June 17, 2022, July 29, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the math calculation (goal 1) goal.
19. The math calculations (goal 2) goal progress reported on June 17, 2022, July 29, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the math calculation (goal 2) goal.
20. The math calculations (goal 3) goal progress reported on June 17, 2022, and November 2, 2022, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the math calculation (goal 3) goal.
21. There is documentation of the parent being provided with quarterly progress reports in June 2022 and November 2022.

CONCLUSION:

Based upon the Findings of Facts #6- #21, MSDE finds that the HCPSS has ensured that the complainant was provided with appropriate quarterly progress reports on the student's progress toward achieving the annual IEP goals since May 2022, in accordance with 34 CFR §300.320. Therefore, this office does not find that a violation has occurred with respect to allegation #3.

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.¹ 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.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student Specific

MSDE requires the HCPSS to provide documentation by March 1, 2023, that the student has been provided with special education instruction in social studies as required by the student's IEP.

MSDE requires the HCPSS to provide documentation by March 1, 2023, that the IEP team has convened and determined whether the violations related to the lack of special education instruction in social studies had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

The HCPSS must ensure that the parent is provided with written notice of the team's decisions. The parent maintains 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

¹ 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, 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 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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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 M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMF: sd

c: Michael Martirano
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney