

February 28, 2024



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

RE: [REDACTED]
Reference: #24-117

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 January 4, 2024, MSDE received a complaint from [REDACTED] and [REDACTED], hereafter, “the complainants”, on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Howard County Public Schools 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 has been consistently provided with:
 - special education instruction;
 - adult support;
 - frequent and/or immediate feedback;
 - provide home sets of textbooks/materials;
 - use of an organizer or task chart to visually map out the steps of an assignment;
 - visual schedule that includes staff names and locations in the building;
 - copy of teacher notes including key vocabulary and definitions at her instructional level;
 - priming of vocabulary and concepts for content areas using a variety modalities;
 - provide the student with a key comprehension question prior to reading a text to provide her with a focus for reading;
 - allow the student the opportunity to orally brainstorm with staff and make a list of key words to represent her ideas;
 - break down directions into smaller units using simplified language and with visuals;
 - allow use of manipulatives;

- home-school communication system;
- provide manipulatives and/or sensory activities to promote listening and focusing skills;
- provide the student with a list of approved education websites to access during break/down time; (In Dec IEP)
- preferential seating;
- occupational therapy consult;
- distributed practice of previously mastered skills; and
- break down assignments into smaller units.

as required by the IEP since the start of the 2023-2024 school year, in accordance with 34 CFR §§300.101 and .323.

2. The HCPSS has not ensured proper procedures were followed when determining the student's educational placement since May 10, 2023, in accordance with 34 CFR §§300.114 - .116.

BACKGROUND:

The student is 12 years old and is identified as a student with an Intellectual Disability under the IDEA. She attends [REDACTED] and has an IEP that requires the provision of specialized instruction and related services.

FINDINGS OF FACT:

1. The student's IEP in effect at the start of the 2023-2024 school year was developed on May 10, 2023. The IEP requires eight hours per week of specialized instruction inside of the general education classroom, 12 hours per week of specialized instruction outside of the general education classroom, provided by the special education teacher, instructional assistant, or general education teacher, and two (2) thirty-minute sessions per week of speech and language therapy.

The IEP further requires the following supplementary aids, services, program modifications and supports:

- frequent and/or immediate feedback;
- provide home sets of textbooks/materials;
- use of an organizer or task chart to visually map out the steps of an assignment;
- visual schedule that includes staff names and locations in the building;
- copy of teacher notes including key vocabulary and definitions at her instructional level;
- priming of vocabulary and concepts for content areas using a variety modalities;
- provide the student with a key comprehension question prior to reading a text to provide her with a focus for reading;
- during prewriting, allow the student the opportunity to orally brainstorm with staff and make a list of key words to represent her ideas;
- break down directions into smaller units using simplified language and with visuals;
- allow use of manipulatives;
- home-school communication system;
- adult support;

- provide manipulatives and/or sensory activities to promote listening and focusing skills;
 - preferential seating;
 - occupational therapy consult;
 - distributed practice of previously mastered skills; and
 - break down assignments into smaller units.
2. There is documentation that the student was consistently provided with as required by the IEP:
- frequent and/or immediate feedback;
 - home sets of textbooks/materials;
 - use of an organizer or task chart to visually map out the steps of an assignment;
 - visual schedule that includes staff names and locations in the building;
 - copy of teacher notes including key vocabulary and definitions at her instructional level;
 - priming of vocabulary and concepts for content areas using a variety modalities;
 - key comprehension question prior to reading a text to provide her with a focus for reading;
 - during prewriting, allow the student the opportunity to orally brainstorm with staff and make a list of key words to represent her ideas;
 - break down directions into smaller units using simplified language and with visuals;
 - allow use of manipulatives;
 - adult support;
 - manipulatives and/or sensory activities to promote listening and focusing skills;
 - preferential seating;
 - occupational therapy consult;
 - distributed practice of previously mastered skills; and
 - break down assignments into smaller units.
3. While there is some documentation of the provision of the home-school communication system from the start of the 2023-2024 school year until January 9, 2024, it was not provided daily as required by the IEP.
4. There is documentation that as of January 9, 2024, the complainant was provided access to a daily online home-school communication system.
5. On December 13, 2023, the IEP team met and added the provision of a “list of approved educational websites to access during break or down time” to the student’s supplementary aids, services, program modifications and supports.
6. There is documentation of approved education websites to access during break/down time, and home sets of textbooks/materials are located on the student’s learning management system.
7. In its written response, the HCPSS acknowledges that proper procedures were not followed when determining the student’s educational placement since May 10, 2023.

DISCUSSION/CONCLUSIONS:

Allegation #1: Provision of Supplementary Aids and Services and Specialized Instruction

Based upon the Findings of Fact #1, #2, and #6, MSDE finds that the HCPSS did ensure that the student has been consistently provided with:

- frequent and/or immediate feedback;
- home sets of textbooks/materials;
- use of an organizer or task chart to visually map out the steps of an assignment;
- visual schedule that includes staff names and locations in the building;
- copy of teacher notes including key vocabulary and definitions at her instructional level;
- priming of vocabulary and concepts for content areas using a variety modalities;
- key comprehension question prior to reading a text to provide her with a focus for reading;
- during prewriting, allow the student the opportunity to orally brainstorm with staff and make a list of key words to represent her ideas;
- break down directions into smaller units using simplified language and with visuals;
- allow use of manipulatives;
- adult support;
- manipulatives and/or sensory activities to promote listening and focusing skills;
- preferential seating;
- occupational therapy consult;
- distributed practice of previously mastered skills; and
- break down assignments into smaller units.

as required by the IEP since the start of the 2023-2024 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Based upon the Findings of Fact #1, #5, and #6, MSDE finds that the HCPSS did ensure that the student has been consistently provided with a list of approved education websites to access during break/down time as required by the IEP since December 13, 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Based upon the Findings of Fact #1 and #3, MSDE finds that the HCPSS did not ensure that the parent has been consistently provided with the home-school communication system as required by the IEP from the start of the 2023-2024 school year until January 9, 2024, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Based upon the Findings of Fact #1 and #4, MSDE finds that the HCPSS did ensure that the parent has been consistently provided with the home-school communication system as required by the IEP since January 9, 2024, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur with respect to this aspect of the allegation.

Allegation #2: Educational Placement Determination

Based upon the Findings of Fact #7, MSDE finds that the HCPSS has not ensured proper procedures were followed when determining the student's educational placement since May 10, 2023, in accordance with 34 CFR §§300.114 - .116. This office appreciates HCPSS acknowledgement and concurs that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include 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 non-compliance 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 Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Barmat can be reached at (410) 767-7770 or by email at Alison.Barmat@maryland.gov.

Student-Specific

MSDE requires the HCPSS to provide documentation by April 15, 2024, that the school system has convened an IEP team meeting to determine appropriate compensatory services or other remedy for the violations identified in this Letter of Findings regarding the least restrictive environment (LRE) determination and the provision of the home-school communication system, had on the student's ability to benefit from the education program. The team must also develop a plan for the provision of those services within one year of the date of this Letter of Findings.

The HCPSS must ensure that the parent is provided with prior 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.

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.

Mr. Robert Briggs
Mrs. Jaime Briggs
Dr. Terri Savage
February 28, 2024
Page 6

School-Based

By May 1, 2024, the HCPSS proposes to monitor a random sample of 10 student records at [REDACTED] [REDACTED]³ for proper LRE determinations. The HCPSS will also provide professional learning to the staff at [REDACTED] regarding proper LRE determination under the IDEA.

MSDE concurs with HCPSS' proposed corrective action and requires the HCPSS to provide documentation by May 1, 2024, that the proposed steps have been taken to ensure that the violations identified do not recur at [REDACTED].

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, consistent with the IDEA. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/tg

c: Mr. William Barnes, Acting Superintendent, HCPSS
Ms. Kelly Russo, Coordinator of Special Education Compliance and Dispute Resolution, HCPSS
Ms. Alison Barmat, Branch Chief, Family Dispute Resolution, MSDE
Dr. Paige Bradford, Section Chief, Programmatic Support and Technical Assistance, MSDE
Ms. Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Ms. Tracy Givens, Complaint Investigator, MSDE

³ The student attended [REDACTED] for the school year 2022-2023.