

August 27, 2024

Ms. Ronnetta Stanley  
Loud Voices Together  
P.O. Box 1178  
Temple Hills, Maryland 20757

Ms. Janice Yetter  
Director of Special Education  
Howard County Public School System  
10910 Clarksville Pike  
Ellicott City, Maryland 21042

RE: [REDACTED]  
Reference: #25- 002

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 on the final results of the investigation.

**ALLEGATION:**

On July 1, 2024, MSDE received a complaint from Ms. Ronetta Stanley, hereafter, “the complainant,” on behalf of 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) concerning the above-referenced student.

MSDE investigated the allegation that the HCPSS has not provided the student with special education instruction and related services in the placement required by the Individualized Education Program (IEP) since March 2024, in accordance with 34 CFR §§ 300.114 and .116.

**BACKGROUND:**

The student is 11 years old and is identified as a student with Autism under the IDEA. He attends [REDACTED] and has an IEP that requires special education instruction and related services.

**FINDINGS OF FACT:**

1. The March 20, 2024, and July 9, 2024, IEPs reflect that the student’s service school is [REDACTED] school, HCPSS and that the student requires:
  - 17 hours and 30 minutes weekly of specialized instruction outside of the general education classroom provided by the special education teacher or instructional assistant;
  - one hour and 15 minutes weekly of specialized instruction inside the general education classroom provided by the special education teacher or instructional assistant;

- eight sessions of 30 minutes monthly of adaptive physical education (APE) in the general education classroom provided by the physical or general education teacher;
- two sessions of 15 minutes weekly of occupational therapy (OT) outside the general education classroom provided by the Occupational Therapist; and
- three sessions of 30 minutes weekly of speech-language therapy outside the general education classroom provided by the speech-language therapist or assistant.

The LRE section of the IEP reflects that the IEP team determined the student “requires significant explicit instruction outside of the general education setting in order for him to make progress towards his goals and objectives. The [IEP] team determined they are no longer able to meet [the student’s] needs due to the intensity of his academic, self-management, and behavioral needs as a diploma-bound student. [The IEP] team stated a referral will be made to the Central Education Placement Team (CEPT) team for appropriate placement based on [the student’s] needs. An additional meeting will be held by the CEPT team when the referral is complete”.

Despite determining that the student’s needs could not be met in a public setting, the IEPs require the student to be provided with a Least Restrictive Environment (LRE) “inside the general education classroom between 40% and 79% of the school day.” The IEP requires 19 hours and 30 minutes of services outside of the general education setting and thirteen hours of services inside of the general education setting.

2. While there is documentation that the student was provided with some special education and related services, the documentation does not reflect that the student was consistently provided with special education services since March 2024, as required by the IEP.
3. On July 18, 2024, the CEPT convened an IEP team meeting to consider placement and revise the IEP if appropriate. The IEP Team Meeting Report generated following this IEP team meeting reflects that the CEPT reviewed regional programs within HCPSS and public separate day schools, and CEPT determined that these schools would not be appropriate. The CEPT recommended the [REDACTED], [REDACTED] and the [REDACTED] and determined that any of these schools would be appropriate. The IEP Team Meeting Report reflects that once the student is accepted that the IEP would be amended to reflect the change.

### **CONCLUSION:**

Based upon Findings of Facts #1, #2, and #3, MSDE finds that the HCPSS has not provided the student with special education instruction and related services in the placement required by the IEP since March 2024, in accordance with 34 CFR §§ 300.114 and .116. Therefore, this office finds that a violation occurred concerning the allegation.

### **CORRECTIVE ACTIONS AND 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 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 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

### **Student-Specific**

MSDE requires the HCPSS to provide documentation by November 1, 2024, that the IEP team has convened and determined whether the violation related to the provision of the special education instruction and related services in the placement required by the IEP has had a negative impact. 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 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.

### **School-Based**

MSDE requires the HCPSS to provide documentation by November 1, 2024, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the provision of special education instruction and related services in the placement required by the IEP.

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 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.

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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, 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> 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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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/sd

c: Bill Barnes, Acting Superintendent, HCPSS  
Kelly Russo, Coordinator of Special Education Compliance and Dispute Resolution, HCPSS  
[REDACTED], Principal, [REDACTED], HCPSS  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE