

October 31, 2024

[REDACTED]
[REDACTED]
[REDACTED]

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

RE: [REDACTED]
Reference: #25-058

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 September 12, 2024, MSDE received a complaint from [REDACTED], 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 did not follow proper procedures when evaluating and identifying the student to determine if the student is a student with a disability requiring special education and related services since March 21, 2024, in accordance with 34 CFR §§ 300.301-.311 and COMAR 13A.05.01.06.

BACKGROUND:

The student is seven years old and attends [REDACTED]. He has not been identified as a student requiring special education services.

SUMMARY OF FINDINGS AND CONCLUSION:

In its written response, the HCPSS acknowledges that it did not follow proper procedures when evaluating and identifying the student to determine if the student is a student with a disability requiring special education and related services since March 21, 2024.

MSDE concurs and appreciates the HCPSS' acknowledgment that a violation occurred with respect to 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. 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By January 3, 2025, MSDE requires the HCPSS to provide documentation that the school system has funded an Independent Educational Evaluation (IEE) for the student. Within 30 days of receipt of the IEE, HCPSS will convene an IEP team meeting to review the IEE and determine eligibility for special education. If the student is determined eligible, the HCPSS must determine the amount and nature of compensatory services or other remedies to redress the failure to conduct a timely initial evaluation of the student and develop a plan for the provision of those services within one year of the date of this Letter of Findings.

School-Based

MSDE requires the HCPSS to provide documentation by January 3, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for an initial evaluation under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance.

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 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.

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

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/ebh

c: Mr. Bill Barnes, Acting Superintendent, HCPSS
Ms. Kelly Russo, Coordinator of Special Education Compliance and Dispute Resolution, HCPSS
██████████, Principal, ██████████, HCPSS
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Monitoring and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE