

November 15, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

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

Re: [REDACTED]  
Reference: #25-067

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.

**ALLEGATIONS:**

On September 16, 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) and related requirements concerning the above-referenced student.

MSDE investigated the following allegations:

1. The HCPSS did not provide prior written notice of the Individualized Education Program (IEP) team's decisions from the IEP team meetings held since September 2023, in accordance with 34 CFR § 300.503.
2. The HCPSS did not provide timely written invitations to the IEP team meetings since September 2023, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D.
3. The HCPSS did not ensure that the IEP team considered the parent’s information and concerns at the IEP meetings held since September 2023, in accordance with 34 CFR § 300.324.
4. The HCPSS did not ensure that the student was comprehensively assessed in all areas of need, and that the IEP team did not appropriately apply eligibility criteria since September 2023, in accordance with 34 CFR §§ 300.301, and .304 -.311, and COMAR 13A.05.01.04 -.06.
5. The HCPSS did not ensure that accessible copies of each assessment, report, data chart, draft IEP, or other documents that the IEP team planned to discuss at the IEP team meetings, since September 2023, were provided at least five business days before each scheduled meeting, in accordance with COMAR 13A.05.01.03B(9).

6. The HCPSS has not developed an IEP that addresses the student's needs since September 2023 in accordance with 34 CFR §§ 300.101 and .324. Specifically, the complainant alleges:
  - a. The IEP team has not addressed the student's speech-language phonological and articulation needs;
  - b. The IEP team has not ensured the IEP address the student's needs arising from [REDACTED]; and
  - c. The IEP team has not ensured the IEP addresses the student's social/emotional/behavioral needs.
7. The HCPSS did not follow proper procedures when the IEP team determined the placement in which the student would receive special education instruction since September 2023, in accordance with 34 CFR §§ 300.114 and .116.
8. The HCPSS has not ensured access to the educational record in response to a request made since September 5, 2024, in accordance with 34 CFR § 300.613.
9. The HCPSS did not ensure that IEP team meetings convened on August 20, 2024, and September 16, 2024, included the required participants, in accordance with 34 CFR § 300.321.
10. The HCPSS did not ensure that the parent was provided with a written invitation to the IEP team meetings scheduled for September 18, 2024, in writing no less than ten days before the meeting that accurately provided the required information, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07.
11. The HCPSS did not ensure that the speech-language assessment that was reviewed on March 4, 2024, was conducted by trained and knowledgeable personnel, in accordance with 34 CFR § 300.304.
12. The HCPSS did not ensure that amendments to the IEP were based on an IEP team decision or have parental agreement to be made outside of a meeting, since September 2023, in accordance with 34 CFR § 300.324.

**BACKGROUND:**

The student is 11 years old and is a student with Specific Learning Disability (SLD) under the IDEA. He attended [REDACTED] during the 2023-2024 school year and has an IEP that requires the provision of special education instruction and related services. The student is currently parentally placed at a non-public school.

**ALLEGATION #1**

**PRIOR WRITTEN NOTICE**

**FINDINGS OF FACT:**

1. There is no documentation that the prior written notices (PWN) generated following the IEP team meetings held on November 14, 2023; December 11, 2023; and March 4, 2024, were provided to the complainant.
2. There is documentation that PWNs generated following the IEP team meetings held on February 26, 2024; July 10, and 30, 2024; August 16, 20, and 23, 2024; and September 5, and 18, 2024, were provided to the complainant.

**CONCLUSION:**

Based on Finding of Fact #1, MSDE finds that the HCPSS did not provide PWN of the IEP team's decisions from IEP team meetings held on November 14, 2023, December 11, 2023, and March 4, 2024, in accordance with 34 CFR § 300.503. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

Based on Finding of Fact #2, MSDE finds that the HCPSS, did provide the PWN of the IEP team's decisions from IEP team meetings held on February 26, 2024, July 10 and 30 2024, August 16, 20, and 23, 2024, and September 5 and 18, 2024, in accordance with 34 CFR § 300.503. Therefore, this office finds that a violation did not occur concerning this aspect of the allegation.

**ALLEGATION #2 and #10**

**MEETING NOTICE**

**FINDINGS OF FACT:**

3. There is documentation that the HCPSS provided written notice to the complainant of the IEP meetings scheduled to take place on November 14, 2023; December 11, 2023; February 26, 2024; July 10, and 30, 2024; and August 16, 20, and 23, 2024.
4. There is no documentation that the HCPSS provided written notice to the complainant of the IEP meeting scheduled for March 4, 2024. There is documentation that the complainant participated in the IEP team meeting on March 4, 2024.
5. There is documentation that the HCPSS written notice provided to the complainant of IEP meetings scheduled to take place on September 5, 2024, and September 18, 2024, were not timely. There is documentation that the complainant participated in IEP team meetings on September 5, 2024, and September 18, 2024.

**CONCLUSION:**

**Since September 2023**

Based on Finding of Fact #3, MSDE finds that the HCPSS did not provide written invitations to the IEP team meeting on March 4, 2024, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

Notwithstanding the violation, based on the Finding of Fact #4, MSDE finds that the complainant participated in IEP team meeting on March 4, 2024. Therefore, no student specific corrective action is required.

Based on Finding of Fact #5, MSDE finds that the HCPSS did not provide timely written invitations to the IEP team meeting on September 5, 2024, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D. Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

Notwithstanding the violation, based on the Finding of Fact #5, MSDE finds that the complainant participated in the IEP team meeting on September 5, 2024, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D. Therefore, no additional corrective action is required.

### **September 18, 2024**

Based on Finding of Fact #5, MSDE finds that the HCPSS did not ensure that the parent was provided with a written invitation to the IEP team meeting scheduled for September 18, 2024, in writing no less than ten days before the meeting that accurately provided the required information, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07. Therefore, this office finds that a violation occurred concerning the allegation.

Notwithstanding the violation, based on the Finding of Fact #5, MSDE finds the complainant, participated in the IEP team meeting on September 18, 2024, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D. Therefore, no additional corrective action is required.

#### **ALLEGATION #3**

#### **PARENT CONCERN**

##### **FINDING OF FACT:**

6. There is documentation that the HCPSS addressed parent concerns during IEP team meetings held since September 2023.

##### **CONCLUSION:**

Based on the Finding of Fact #6, MSDE finds that the HCPSS did ensure that the IEP team considered the parent's information and concerns at the IEP meetings held since September 2023, in accordance with 34 CFR § 300.324. Therefore, this office finds that a violation has not occurred concerning the allegation.

#### **ALLEGATION #4**

#### **EVALUATION**

##### **FINDINGS OF FACT:**

7. On November 14, 2023, the IEP team convened to review existing information and, if appropriate, determine the need for further assessments. The PWN generated following the meeting reflects the following:
  - The IEP team reviewed a 2021 audiology report, a 2022 neuropsychological report, and a report regarding the student's vision. Based on the data reviewed, the IEP team did not suspect educational disability at that time;
  - An articulation screener indicated that the student self-corrected any errors. However, the complainants shared that they use language support with the student and asked him to "restate/re-pronounce words." They expressed disagreement with the speech-language pathologist (SLP) regarding the educational impact based on the speech screening and requested that another SLP evaluate the student;
  - The physical therapist explained how physical therapy (PT) is implemented in school. The complainant did not raise any concerns regarding PT; and
  - The parents raised concerns regarding sensory issues, handwriting, spelling, and organizing his thoughts. In response, the IEP team proposed assessments in the areas of occupational therapy (OT), speech-language (including articulation), psychological assessment, and academic assessment.

The complainant provided written consent for the proposed assessments.

8. On November 27, 2023, the complainant emailed the school psychologist expressing a desire to forego the psychological evaluation unless it was necessary for the IEP, stating she would sign if required. She explained concerns about other issues, noting the student had received referrals from outside OT, PT, and speech pathologists despite being passed through the education system.

In response, the school psychologist explained that the psychological testing aimed to determine if the student met the criteria for a Specific Learning Disability (SLD), particularly in writing, or if a Speech-Language Impairment (SLI) might apply. He clarified that the student could qualify under SLI if the parent declined the psychological testing, but it would be the only option.

9. On December 11, 2023, the complainant provided written consent for a psychological assessment. The consent reflects a suspected disability of SLD and OHI.
10. There is no documentation the complainant received the assessments for review five days prior to the IEP team meeting convened on February 26, 2024. The purpose of the meeting was to review assessment results, complete the evaluation process, and, if appropriate, determine eligibility for special education and related services. The PWN generated following the meeting reflects that the IEP team reviewed the academic, OT, and speech-language assessments. The PWN also reflects that the IEP team would reconvene to continue reviewing the speech-language assessment, the psychological evaluation, and complete the required supplemental forms.
11. On March 4, 2024, the IEP team reconvened to continue reviewing the speech-language and psychological evaluation results, complete the evaluation process, and, if appropriate, determine eligibility for special education and related services. The PWN generated following the meeting reflects that the psychological report showed the student scored within the average range, except for phonological awareness. The IEP team considered if the student was eligible as a student with OHI (ADHD), or SLD ( ). Based on the results of the assessments and classroom data, the IEP team determined that the student did not meet the qualifications as a student with OHI or SLD.
12. On June 20, 2024, the HCPSS emailed the complainant a meeting notice to review the parent provided assessments. The email proposed that the meeting take place on July 10, 2024, at 9 a.m. On June 21, 2024, the complainant emailed the assessments completed by the private providers to an HCPSS school-based team member.
13. On July 10, 2024, the IEP team convened to review the parent provided assessments, complete the evaluation process, and, if appropriate, determine eligibility for special education and related services. The team reviewed the parent provided speech-language and psychological assessments. The PWN indicates that a continuation meeting was required to address the student's eligibility.
14. There is documentation that the student qualified for special education instruction and services, on July 30, 2024. The student met eligibility criteria for SLD ( ).

### **CONCLUSION:**

Based on Findings of Fact #7 through #14, MSDE finds that the HCPSS did ensure that the student was comprehensively assessed in all areas of need, and that the IEP team did appropriately apply eligibility criteria since November 14, 2023, in accordance with 34 CFR §§ 300.301, and .304 -.311, and COMAR 13A.05.01.04 -.06. Therefore, this office finds that a violation did not occur concerning the allegation.

## **ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION**

### **Proper Procedures for Completing and Initial Evaluation in the Required Timeline**

When conducting an initial evaluation, the public agency must ensure that assessments are conducted, and the results are considered by the IEP team, within sixty days of the date of parental consent (COMAR 13A.05.01.06).

In this case, on November 14, 2023, the complainant provided consent for assessments that the IEP team determined were required to complete an initial evaluation. On December 11, 2023, the complainant provided consent for a psychological evaluation. The IEP team met to review the November 14, 2023, proposed assessments on February 26, 2024, and the psychological evaluation on March 4, 2024. These dates were outside of sixty days from the complainant's consent.

Based upon Findings of Fact #7, #9 through #11, MSDE finds that the HCPSS did not complete the initial evaluation within sixty days of parental consent since November 14, 2023, in accordance with 34 CFR § 300.301 and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred.

Notwithstanding the violation, MSDE finds based upon Findings of Fact #10 and #11, that HCPSS' IEP convened on February 26, and March 4, 2024, to review the evaluations. On March 4, 2024, the IEP team made a determination that the student was not eligible for special education services. Therefore, no further student-specific corrective action is required.

### **ALLEGATION #5**

### **FIVE DAY DOCUMENTS**

#### **FINDINGS OF FACT:**

15. On February 27, 2024, the HCPSS emailed the psychological assessment to the complainant. On February 29, 2024, the HCPSS also emailed the academic assessment report, speech-language report, and OT report to the complainant in preparation for the continuation IEP meeting to determine eligibility scheduled to take place on March 4, 2024.
16. On August 9, 2024, the HCPSS emailed the initial draft IEP to the parents in preparation for the IEP team meeting on August 16, 2024.

#### **CONCLUSIONS:**

Based on the Findings of Fact #10, and #15, MSDE find that the HCPSS did not ensure that accessible copies of each assessment the IEP team planned to discuss at the IEP team meeting on February 26, 2024, and March 4, 2024, were provided at least five business days before each scheduled meeting, in accordance with COMAR 13A.05.01.03B(9). Therefore, this office finds that a violation occurred concerning this aspect of the allegation.

Notwithstanding the violation, based on the Finding of Fact #15, MSDE finds that the HCPSS provided copies of the assessments on February 27, and 29, 2024. Therefore, no additional student-specific corrective action is required.

Based on Finding of Fact #16, MSDE finds that the HCPSS did ensure that accessible copies of each assessment, report, data chart, draft IEP, or other document the IEP team planned to discuss at the IEP team meetings, on August 16, and 23, 2024, were provided at least five business days before each scheduled meeting, in accordance with COMAR 13A.05.01.03B(9). Therefore, this office finds that a violation did not occur concerning this aspect of the allegation.

**ALLEGATIONS #6 and #7**

**IEP DEVELOPMENT AND PLACEMENT  
DETERMINATION**

**FINDINGS OF FACT:**

17. On August 1, 2024, the complainant emailed HCPSS informing them that the family would be traveling until August 13, 2024. On August 6, 2024, HCPSS emailed the meeting notice for the IEP meeting scheduled for August 16, 2024.

18. The IEP developed on August 16, 2024, reflects the IEP team reconvened on August 20 and 23, 2024, and September 5, and 18, 2024. The IEP reflects areas affected by the disability are reading phonics, reading fluency, reading comprehension, written language expression, articulation, and expressive/receptive language.

The IEP requires assessment and accessibility accommodations, supplementary aids and services, program modifications, and supports. The support offered through supplementary aids and services, includes social/behavior supports, and physical/environmental supports.

The IEP requires goals and objectives to address the following: reading phonemic awareness, reading phonics, written language mechanics, reading comprehension, articulation/phonology, expressive and receptive language.

The IEP requires 20 hours per week of instruction inside the general education setting to be provided by the special education teacher, general education teacher and/or instructional assistant.

The IEP requires three 30-minute sessions per month of speech-language as a related service outside of the general education setting to be provided by the speech-language pathologist.

The IEP reflects the least restrictive environment (LRE) is inside the general education setting more than 80%.

There is no documentation that the IEP has been amended.

19. There is documentation that the IEP team discussed the student's placement during an IEP team meeting. The PWN generated following the IEP team meeting on September 18, 2024, reflects placement is at the student's community school and is based on the IEP. The PWN reflects the complainant disagreed with the student's placement.

There is no documentation that the student required a change in placement.

## **DISCUSSION AND CONCLUSION:**

In developing each child's IEP, the IEP team must consider the strengths of the child; the concerns of the parents for enhancing the education of their child; the results of the initial or most recent evaluation of the child; and the academic, developmental, and functional needs of the child.

Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and scheduling the meeting at a mutually agreed on time and place. 34 CFR § 300.322

Each public agency must ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR § 300.114

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that the placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and is made in conformity with the LRE provisions of this subpart, including 34 §§300.114 through 300.118; the child's placement is determined at least annually; is based on the child's IEP; and is as close as possible to the child's home; unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled; in selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and a child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. 34 CFR § 300.116

### **IEP Development**

Based on the Findings of Fact #17 through #19, MSDE finds that the HCPSS has developed an IEP that addresses the student's speech-language phonological, articulation, [REDACTED], and social/emotional/behavioral needs since September 25, 2024, in accordance with 34 CFR §§ 300.101 and .324. Therefore, this office finds that a violation did not occur concerning this allegation.

### **Placement**

Based on the Findings of Fact #18 and #19, MSDE finds that the HCPSS followed proper procedures when the IEP team determined the placement in which the student would receive special education instruction since September 2023, in accordance with 34 CFR §§ 300.114 and .116. Therefore, this office finds that a violation did not occur concerning this allegation.

### **ALLEGATION #8**

### **ACCESS TO EDUCATIONAL RECORD**

#### **FINDINGS OF FACT:**

20. On September 12, 2024, the complainant emailed the HCPSS requesting documents that the student produced, as demonstrated when [staff] presented his spelling test, which was used in determining



an IEP in March 2024. The email also clarified that she is requesting to see what the student wrote down.

21. On September 12, 2024, the HCPSS emailed the parents. The email reflects that the HCPSS informed the complainant that testing protocols cannot be copied but they can come in to view them and provided the point of contact to request the psychological assessment.
22. On September 17, 2024, the HCPSS emailed the complainant responding that “testing protocols are the actual booklets used when administering an assessment. For example, the educational assessment was the Woodcock-Johnson IV. The booklets cannot be duplicated because it is copyrighted material.” The HCPSS informed the complainant that she can review the booklets at the school, but she cannot copy or take pictures of it. The email included a picture from the website of what the booklet looks like.
23. On September 19, 2024, the HCPSS school staff emailed the audio recordings of the IEP team meetings. The email also reflects a reminder that the paper copy of the IEP was available for pick up.
24. On September 24, 2024, the HCPSS school staff emailed the signature page of the IEP to the parents. The email also reflects the parents were provided with paper copies “today during their conference to review the cumulative file.”

#### **DISCUSSION AND CONCLUSION:**

Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing or resolution session and in no case more than 45 days after the request has been made.

34 CFR § 300.613

Based on the Findings of Fact #20 through #24, MSDE finds that the HCPSS has ensured access to the educational record in response to a request made since September 5, 2024, in accordance with 34 CFR § 300.613. Therefore, this office finds that a violation did not occur concerning this allegation.

#### **ALLEGATION #9**

#### **PROPER PARTICIPANTS AT THE AUGUST 2024 AND SEPTEMBER 2024, IEP TEAM MEETINGS**

#### **FINDINGS OF FACT:**

25. The PWN developed following the August 20, 2024, IEP team meeting reflects, the HCPSS facilitator requested to caucus with the parents, family therapist and attorney. The school-based members of the IEP team were asked to leave the meeting and return. There is documentation that following the break, the team resumed the meeting.

The meeting participants on August 20, 2024, included the following: administrator/designee, special educators, general educator, parents, instructional facilitator, instructional facilitator for special education, educational consultant, family psychologist, family attorney, and a family member.

26. There is documentation that during the IEP team meeting on September 5, 2024, the HCPSS team requested to caucus without the parents. There is no documentation that decisions were made during the caucus.

The meeting participants on August 20, 2024, included the following: administrator/designee, special educators, general educator, parents, instructional facilitator, instructional facilitator for special education, family psychologist, family attorney, and the student's sister.

**CONCLUSION:**

In this case the complainant raised concerns that the IEP team went into a separate breakout room during the IEP team meeting.

Based on the Findings of Fact #25 and #26, MSDE finds that the HCPSS did ensure that IEP team meetings convened on August 20, 2024, and September 16, 2024, included the required participants, in accordance with 34 CFR § 300.321. Therefore, this office finds that a violation did not occur concerning this allegation.

**ALLEGATION #11**

**PERSONNEL QUALIFICATIONS**

**FINDINGS OF FACT:**

27. On September 27, 2024, the complainant emailed the [REDACTED] principal with "credential request" document attached. The email reflects, "Please see attached."
28. On October 8, 2024, the HCPSS coordinator of employee services emailed the complainant in response to the request. The email included the link to access degrees for professional staff and the link used to verify MSDE educators.
29. There is documentation that the HCPSS IEP team meeting participants are appropriately credentialed.

**DISCUSSION AND CONCLUSION:**

In this case the complainant raised concerns about the credentials of the related service providers and the HCPSS staff who assessed the student.

The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parents and a team of qualified professionals, which must include the child's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or for a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and at least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. 34 CFR § 300.304

Based on the Findings of Fact #27 through #29, MSDE finds that the HCPSS, did ensure that the speech-language assessment that was reviewed on March 4, 2024, was conducted by trained and knowledgeable personnel, in accordance with 34 CFR § 300.304. Therefore, this office finds that a violation did not occur concerning this allegation.

## **ALLEGATION #12**

## **AMENDMENTS TO THE IEP**

### **FINDINGS OF FACT:**

30. On October 1, 2024, HCPSS school-based staff emailed the complainant: "Please find attached the finalized copy of the IEP. Note that on the cover page, the annual date was amended to the first date of reviewing the IEP draft, August 16, 2024. I mistakenly thought it was the last date [September 18, 2024.]"
31. On September 24, 2024, the HCPSS provided the parents with a draft of the IEP. The draft provided to the parents reflects the last IEP meeting date of September 18, 2024. The cover page also reflects prior IEP meeting dates of August 16, 2024; August 20, 2024; August 23, 2024; September 5, 2024; and September 18, 2024.
32. There is no documentation that the IEP was amended outside of an IEP team meeting.

### **DISCUSSIONS AND CONCLUSION:**

In making changes to a child's IEP after the annual IEP team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP. If changes are made to the child's IEP, the public agency must ensure that the child's IEP team is informed of those changes.

Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or as provided, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated. 34 CFR § 300.324

In this case, the complaint alleges that the IEP team changed dates on the IEP document without consent.

Based on the Findings of Fact #30 through #32, MSDE finds that the HCPSS did not amend the IEP outside of an IEP team meeting. Therefore, this office finds that a violation did not occur concerning this allegation.

### **CORRECTIVE ACTION AND 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 timeframes 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.

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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.

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 January 2, 2025, that the HCPSS has provided the complainant with the PWNs developed from the meetings convened on November 14, 2023, December 11, 2023, and March 4, 2024.

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.

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/ra

c: William Barnes, Acting Superintendent, HCPSS  
Ms. Kelly Russo, Coordinator, Special Education Compliance and Dispute Resolution, HCPSS  
Dr. Paige Bradford, Chief, Specialized Instruction, MSDE  
[REDACTED], Principal, [REDACTED], HCPSS  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Alison Barmat, Chief, Family Support and Dispute Resolution Branch, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Rabiatu Akinlolu, Compliant Investigator, MSDE

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<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.