

November 26, 2024

[REDACTED]

Ms. Janice Yetter
Director of Special Education
Howard County Public Schools System
10910 Clarksville Pike
Ellicott City, Maryland 21402

RE: [REDACTED]
Reference: #25-091

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and 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 on the final results of the investigation.

ALLEGATION:

On September 29, 2024, MSDE received a complaint from [REDACTED], hereafter, “the complainant,” on behalf of her daughter. 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 process by which the compensatory services decision was made on February 20, 2024.

BACKGROUND:

The student is 19 years old and has graduated with a diploma from HCPSS. When she was enrolled in HCPSS, she attended [REDACTED] and the [REDACTED]. The student was eligible for special education as a student with an emotional disability.

FINDINGS OF FACT:

1. As a result violations found in a prior MSDE complaint, the HCPSS was directed to convene an Individualized Education Program (IEP) team meeting to determine whether compensatory services were warranted for the student.
2. Attempts to convene IEP team meetings to determine whether compensatory services were warranted were made on November 29, 2023; December 13, 2023; December 14, 2023; and December 15, 2023.
3. The complainant was unable to attend on any of these dates.
4. An IEP team meeting was convened on February 20, 2024. The complainant participated in the meeting. The IEP team reviewed the student’s functional behavior assessment (FBA), as directed by MSDE, noted that the student did not have the same challenges at [REDACTED], and did not require a behavior

intervention plan (BIP) because the counseling supports she received were appropriate to meet her needs. The IEP team reviewed behavior data, teacher reports, progress data in making their determination that compensatory services were not warranted.

5. The student graduated with her diploma in Spring 2023.

CONCLUSION:

The HCPSS made every attempt to convene the IEP team to consider whether there was a negative impact on the student's progress from the violations identified by the interim timeline set by MSDE. The complainant was not available. When the team was finally able to convene, they considered reports from all of the student's teachers, found that at [REDACTED] the student did not require the implementation of a BIP, and therefore, the fact that the FBA was not completed at the time did not negatively impact the student. Further, the team determined that although there was no documentation that the student's teachers were provided with the student's IEP, they were, in fact, given her IEP. The IEP team determined there was no negative impact from the lack of documentation as her teachers were aware of and implemented the IEP. The team reviewed the student's progress, grades, and graduation status, and determined no additional compensatory services were warranted.

Based on the Finding of Facts #1 through #5, MSDE finds that the HCPSS did ensure that the IEP team followed proper procedures in determining whether compensatory services were warranted at the February 20, 2024, IEP team meeting. Therefore, this office finds that a violation did not occur with respect to the allegation.

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 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/ab

c: Bill Barnes, Superintendent, HCPSS
Patricia Gunshore, Coordinator, Special Education Compliance, HCPSS
Kelly L. Russo, Coordinator, Special Education Compliance and Dispute Resolution, HCPSS
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