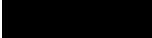


February 3, 2025





Dr. Richard Jeffries  
Director of Special Education  
Howard County Public School System  
10910 Clarksville Pike  
Ellicott City, Maryland 21042

RE:   
Reference: #25-161

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 December 5, 2024, MSDE received a complaint from  and , 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 following allegations:

1. The HCPSS has not developed an Individualized Education Program (IEP) that addresses the student’s identified areas of need since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.324.
2. The HCPSS has not ensured that the student was provided with the special education services, supplementary aids, services, and accommodations as required by the IEP since the start of the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101 and .323.
3. The HCPSS has not ensured that the parents were provided with quarterly reports of progress toward achieving the annual IEP goals that were measured as required by the IEP since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320.

**BACKGROUND:**

The student is eight years old and is identified as a student with an emotional disability (ED) under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**SUMMARY OF FINDINGS AND CONCLUSIONS:**

In its written response, the HCPSS acknowledges that violations occurred with respect to the allegations. Specifically, the HCPSS acknowledges that they have not developed an IEP that addresses all areas of identified needs; ensured that the student was provided with special education services, supplementary aids, services, and accommodations; and provided the parents with quarterly progress reports measured in the manner required by the IEP.

MSDE concurs with the HCPSS' conclusions and appreciates the school system's response to the investigation.

**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 the 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).

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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, the 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.

### **Student-Specific**

MSDE requires the HCPSS to provide documentation, by March 28, 2025, that the IEP team has taken the following action:

- a. Provided the student with supplementary aids, services, and accommodations as required by the IEP;
- b. Convened an IEP team meeting to make appropriate revisions to the IEP and determine the amount and nature of compensatory services or other remedy to redress the violation related to the development of the IEP, provision of supplementary aids, services, and accommodations, and the provision of accurately measured quarterly progress reports as required by the IEP for quarter two of the 2024-2025 school year; and
- c. Developed a plan for the implementation of the 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.

### **School-Based**

If a special education teacher has not been assigned to the student's school, MSDE requires that the IEP team convene to discuss any interim options to the provision of the student's special education services and update the IEP if appropriate. The HCPSS must provide documentation each month thereafter demonstrating efforts made to hire additional special education teachers, until such time as one has been assigned to the student's school. Upon the assignment of a special education teacher to the student's school, MSDE requires that the HCPSS provides documentation that the teacher has initiated services to the student.

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. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email [Tracy.Givens@maryland.gov](mailto:Tracy.Givens@maryland.gov). 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.

[REDACTED]  
Dr. Richard Jeffries  
February 3, 2025

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