

February 13, 2025

Ms. Stephanie Dawson
Educational Advocate
20130 Lakeview Center Plaza
Suite 400
Ashburn, Virginia 20147

Dr. Richard Jeffries
Executive Director for Special Education
Howard County Public Schools
10910 Clarksville Pike
Ellicott City, Maryland 21042

Re: [REDACTED]
Reference: #25-183

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 16, 2024, MSDE received a complaint from Ms. Stephanie Dawson, 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 has not ensured that the student is being provided with the accommodations and supplementary aids and services as required by the IEP, since December 16, 2023, in accordance with 34 CFR §§ 300.101 and .323.
2. The HCPSS has not followed proper procedures when responding to a request for an IEP team meeting since June 2024, in accordance with 34 CFR § 300.503.

BACKGROUND:

The student is 16 years old and is a student with Other Health Impairment (OHI) under the IDEA. She attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The IEP in effect in December 2023 was developed on February 9, 2023. The IEP requires the following accommodations: Calculation device and mathematics tools (on Calculation and NON- Calculation Sections of the Mathematics Assessments), Monitor Test response, and Extended time. The IEP required 1.5 extended time on assessments.

The IEP requires the implementation of supplementary aids and services.

2. The IEP developed on January 11, 2024, requires the following accommodations: calculation device and mathematics tools (on calculation and non-calculation sections of the mathematics assessments), monitor test response, and extended time. The IEP requires two times extended time on all classroom assignments and 1.5 times extended time on all assessments.

The IEP requires the implementation of supplementary aids and services.

3. There is documentation that the student was provided with the accommodations and supplementary aids and services required by the IEP since December 2023.
4. On June 14, 2024, the parent emailed the HCPSS and expressed concern that the student was not provided with extended time accommodation in her Spanish class, during the 2023-2024 school year.
5. On June 14, 2024, the HCPSS classroom teacher emailed the parent and informed her that the student was provided with the extended time accommodations for assignments and assessments since the beginning of the school year as required by the IEP.
6. On June 15, 2024, the parent emailed the informed the teacher that she would like an IEP meeting "to resolve the problem."
7. On June 18, 2024, the HCPSS school administrator emailed the parent, proposing a phone call on either Thursday, June 20th at 1:30 pm, or Friday, June 21st at 9:00 am.
8. On June 18, 2024, the parent informed the school administrator that she was available at either of the proposed times. She also inquired if the phone call would include only the administrator or would also include the IEP team.

On the same day, the administrator confirmed a phone call for Thursday, June 20, 2024, at 1:30 pm. The email also mentioned that staff were on summer break and that efforts would be made to gather the IEP team.

9. On July 15, 2024, the complainant emailed HCPSS, expressing concerns about the implementation of the IEP in Spanish class. The complainant shared that an IEP meeting wasn't necessary for this specific issue. However, they requested an "IEP team meeting during the first two weeks of the 2024-25 school year to ensure that [the student's] IEP fully meets her needs and that all teachers understand and are prepared to implement it with fidelity."
10. On September 10, 2024, the parent emailed the school to acknowledge a grade change for two Spanish assignments and confirm receipt of the meeting notice for an IEP team meeting on September 13, 2024.

11. The prior written notice (PWN) generated following the September 13, 2024, IEP team meeting indicates that the IEP team held an interim review to address parental concerns. The team discussed several topics: using the tutorial for extended time, taking frequent breaks, using the flash pass, and supporting the student in tracking assignments. Staff members present also provided input on the extended time accommodation for testing and completing work.

The PWN does not reflect that the parent raised any additional concerns.

12. There was another IEP team meeting scheduled in November. The meeting notice developed on November 7, 2024, reflects the purpose of the meeting was to conduct interim review to address parental concerns.
13. On November 13, 2024, the complainant canceled the IEP team meeting. The complainant shared the meeting is canceled because the discussion about the student's Spanish grades during the 2023-2024 school year was related to failure to implement the student's IEP.

DISCUSSION AND CONCLUSIONS:

ALLEGATION #1

PROVISION OF ACCOMMODATIONS AND SUPPLEMENTARY AIDS AND SERVICES

In this case the complainant alleges that the student was not provided with the extended time accommodation in her Spanish class. As a result, the complainant alleges that the student did not receive a grade that was accurate. However, based on Findings of Fact #1 through #3, there is documentation that the student's accommodations were provided.

An IEP is a plan developed to ensure that a child with a disability receives specialized instruction and related services. It includes specific goals, accommodations, and supports tailored to the student's unique needs. While the IEP aims to help the student succeed academically, it doesn't guarantee passing grades.

Based on the Findings of Fact #1 through #3, MSDE finds that the HCPSS has ensured that the student is being provided with the accommodations and supplementary aids and services as required by the IEP since December 16, 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

ALLEGATION #2

RESPONSE TO REQUEST FOR IEP TEAM MEETING

Based on the Findings of Facts #4 through #13, MSDE finds that the HCPSS has followed proper procedures when responding to a request for an IEP team meeting since June 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE does not find a violation.

TIMELINES:

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. Requests for reconsideration must be sent to Tracy Givens, Section Chief, Dispute Resolution Branch, at 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.

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, Superintendent, HCPSS
Janice Yetter, Director of Special Education, Secondary Schools, HCPSS
Ms. Kelly Russo, Coordinator of Special Education Compliance and Dispute Resolution, HCPSS
Jennifer Riccardi, Director of Special Education, Early Childhood & Elementary Schools, HCPSS
[REDACTED], Principal, [REDACTED], HCPSS
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Rabiatu Akinlolu, Complaint Investigator, MSDE