

February 13, 2025



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

Re: [REDACTED]
Reference: #25-187

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 December 17, 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 allegation that the HCPSS did not ensure that proper procedures were followed to respond to the student’s behaviors and lack of academic progress to determine that the student is a student with a disability under the IDEA since December 17, 2023, in accordance with 34 CFR § 300.111.

BACKGROUND:

The student is 7 years old and is a student with Autism under the IDEA. He attends [REDACTED]. The IEP team is in the process of developing the student’s initial IEP.

FINDINGS OF FACT:

1. The students had a 504 plan with an initial evaluation date of November 8, 2023.
2. The Prior Written Notice (PWN) created on November 11, 2024, summarizes the meeting held by the Individualized Education Program (IEP) team following an initial referral. During this meeting, the IEP team proposed and agreed upon the following assessments:
 - Speech-language;
 - Speech fluency;
 - Educational; and
 - Classroom observation.

3. The complainant provided written consent on November 12, 2024. The parental consent form reflects the evaluation will include assessments in the following areas:
 - Academic: reading, mathematics, written language;
 - Observation; and
 - Communication: fluency, expressive/receptive language, and pragmatics.

The form reflects the suspected disability of Autism.

4. The PWN generated following the IEP team meeting on January 13, 2025, reflects that the team convened to review assessment results, complete the evaluation process, and, if appropriate, determine eligibility for special education and related services. The IEP team determined that the student met the eligibility criteria as a student with a disability under the category of Autism.
5. The IEP team meeting notice developed on January 16, 2024, reflects the IEP team proposed to convene on February 3, 2025, to develop and approve the initial IEP.

DISCUSSION AND CONCLUSIONS:

The “child find” requirements of the IDEA impose an affirmative obligation on the school system to identify, locate, and evaluate all students residing within its jurisdiction who have disabilities and need special education and related services or who are suspected of having disabilities and being in need of special education and related services. It is the intent of State and federal law that interventions and strategies be implemented to meet the needs of students within the regular school program, as appropriate, before referring students for special education services. However, the public agency must ensure that this process does not delay or deny a student’s access to special education services under the IDEA. (34 CFR § 300.111).

When a student is referred for evaluation to determine eligibility under the IDEA, in accordance with State regulations, an IEP team must meet to review existing data, information from the parent, instructional interventions and strategies, current classroom-based assessments, and observations by teachers and related service providers. Based on the review, the IEP team must determine whether additional data is needed to determine if the student is suspected of being a student with a disability. The IEP team must complete the evaluation process within sixty days of parental consent for assessments. (COMAR 13A.05.01.06).

In this case, the complainant provided consent for assessment on November 12, 2024. The IEP team convened to determine eligibility on January 13, 2025. The IEP team has thirty days to develop the student’s initial IEP.

Based on Findings of Fact #1 through #5, MSDE finds that the HCPSS did ensure that proper procedures were followed to respond to the student’s behaviors and lack of academic progress to determine that the student is a student with a disability under the IDEA since December 17, 2023, in accordance with 34 CFR § 300.111. Therefore, MSDE finds no 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 Yette, Director of Special Education, Secondary Schools
Kelly Russo, Coordinator of Special Education Compliance and Dispute Resolution, HCPSS
Jennifer Riccardi, Director of Special Education, Early Childhood and 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