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MEMORANDUM

TO: Chief Officer of the Legal Authority/Designee for Schools Approved under COMAR 13A.09.10 to Provide Special Education and related Services

FROM: Sarah Spross, Chief, Nonpublic School Approval Branch 

DATE: November 9, 2011

RE: Clarification Regarding the Timeframe for Making up Missed Related Service Sessions

On October 15, 2010, Jean Satterfield, Assistant State Superintendant, Certification and Accreditation sent a memo regarding the Advice of Council regarding the makeup of related services. Recently, two schools have contacted the Nonpublic School Approval Branch (NSAB) regarding the difficulties they are having making up the missed related service sessions and asked for clarification regarding the timeframe in which missed related services must be made up.

The regulations are silent as to how quickly those services must be made up. However, COMAR 13A.09.10.17G.(6) requires the nonpublic school to maintain policies and procedures approved by the placing local school system or systems [LSS(s)] that provide notification to the LSS regarding the related services that a school has not provided.

If it is determined that any related services sessions have not been provided as required by the student's IEP; and, there is no documentation indicating that the identified missed session has been made up, it will be reported as a finding of noncompliance for the implementation of the IEP [COMAR 13A.09.10.17A.]

Effective immediately the NSAB will be implementing the following procedures when monitoring the provision of related services:

Related Service Sessions Missed; School has an Approved Policy

At the time of the onsite monitoring visit, if the school is able to produce a written policy and procedure with documentation that it has been approved by the placing LSS that applies to each individual student whose services have been missed then the onsite monitoring report will:

1. Document the services that have been missed as a finding of noncompliance;
2. Indicate that the LSS has been notified of the missed sessions and that there is an approved procedure in place to make up those missed services; and
3. Specify the date by which the nonpublic school must provide documentation indicating that the policies and procedures have been implemented as approved.

Related Service Session Missed; School does not have an Approved Policy

If an approved plan is not available at the time of the visit, the onsite monitoring report will:

1. Document the services that have been missed as a finding of noncompliance;
2. Specify the date by which the nonpublic school must submit a LSS approved policy and plan for each individual child; and
3. Specify the date by which the nonpublic school must provide documentation indicating that the policies and procedures have been implemented as approved.

These two processes will allow the NSAB to assure that the nonpublic school has provided documentation indicating that the related services have been provided as per the IEP and as agreed upon by the placing LSS.

Related Service Session Missed; Make Up Documentation Provided

As has been the practice in the past, if the school is able to produce documentation that clearly indicates that a specific missed session has been made up it will not appear as a finding of noncompliance.

If you have any questions, please do not hesitate to contact your school approval specialist or me at 410-767-0407.

- C: Cynthia Amirault, Education Program Specialist, Division of Special Education/Early Intervention Services, MSDE
Kristine Angelis, Nonpublic School Approval Specialist, Nonpublic School Approval Branch, MSDE
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