




Karen B. Salmon, Ph.D.
State Superintendent of Schools

December 20, 2019




Dr. Terri Savage
Executive Director
Special Education & Student Services
Department of Special Services
Howard County Public Schools
The Old Cedar Lane Building
5451 Beaverkill Road
Columbia, MD 21044

RE: 
Reference: 20-054

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 of the final results of the investigation.

ALLEGATION:

On November 7, 2019, the MSDE received a complaint from Ms.  hereafter the “complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Howard County Public School System (HCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the allegation that the HCPS has not ensured that an Individualized Education Program (IEP) has addressed the student’s identified needs since November 7, 2018, in accordance with 34 CFR §§300.101, .324, and .502.

BACKGROUND:

The student is ten (10) years old and currently attends  Elementary School.

He is identified as a student with Multiple Disabilities, including Attention Deficit Hyperactivity Disorder (ADHD), Autism and Intellectual Disability, under the under the IDEA and has an IEP that requires the provision of special education services.

Finding of Facts:

1. The IEP in effect at the start of the investigation period, dated April 17, 2018, identified student needs in the areas of expressive/receptive language, behavior, social/emotional, reading and math. The IEP included information about the present levels of the student's skills in each area affected by his disability, which was identified as Autism at that time.
2. There is documentation that the IEP has included measurable goals and objectives designed to address each of the areas of identified needs.
3. There is documentation that the IEP has required the provision of special education instruction, supplementary aids, and accommodations to assist the student in achieving the goals.
4. There is data that the student has a significant cognitive disorder, including data from an independent evaluation obtained by the complainant. The school-based members of the IEP team have recommended instruction and assessments using alternate standards, but the complainant has refused to provide consent.
5. There is documentation that the IEP team has met regularly to consider the student's progress and concerns of the complainant. The complainant and the student's father have expressed concern that the student is not making sufficient progress, and requested placement in a nonpublic setting where there is a program in which the student could be more successful, such as the [REDACTED]. The school-based members of the team have explained that the student could not be provided with instruction and assessments using the regular education standards necessary to pursue a diploma in such a placement, and that the progress the student was making was commensurate with cognitive ability.

Discussion/Conclusion:

In this case, the complainant alleges that the IEP did not address the student's needs as identified by the IEP.

Based on the Finding of Facts #1 - #5, the MSDE finds that the IEP team has addressed the student's needs, in accordance with 34 CFR §§300.101, .324, and .502. Therefore, this office finds that a violation did not occur with respect to this 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 for 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. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

MEF:dee

c:

Michael J. Martirano
Kathy Stump
■
Dori Wilson
Anita Mandis
Diane Eisenstadt