




October 19, 2023




Dr. Terri Savage  
Executive Director of Special Education  
Howard County Public Schools  
10910 Clarksville Pike  
Ellicott City, Maryland 21042

RE:   
Reference: #24-024

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/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.

**ALLEGATIONS:**

On August 21, 2023, 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 Schools System (HCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student:

MSDE investigated the following allegations:

1. The HCPS did not ensure that the Individualized Education Plan (IEP) developed for the student addressed his vision, assistive technology (AT), and social emotional needs since the start of the 2022-2023 school year, in accordance with 34 CFR §300.101 and .324.
2. The HCPS did not ensure that the IEP team reviewed and revised, as appropriate, the student’s IEP to address lack of expected progress toward achieving his IEP goals, during the 2022-2023 school year, in accordance with 34 CFR §300.324.
3. The HCPS has not followed proper procedures when conducting a comprehensive reevaluation in all areas of suspected disability, specifically, vision and social emotional needs since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.303- .306.
4. The HCPS has not ensured that the student has been provided with AT, human reader and scribe, adult support, and specialized instruction by the teacher of the visually impaired as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is sixteen years old and is identified as a student with Multiple Disabilities that include emotional disability, visual impairment, and other health impairment under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of specialized instruction and related services.

**ALLEGATION #1 & #4:**

**AN IEP THAT ADDRESSES THE STUDENT'S NEEDS AND PROVISION OF AT, HUMAN READER, SCRIBE, ADULT SUPPORT, AND SPECIALIZED INSTRUCTION BY A TEACHER OF THE VISUALLY IMPAIRED**

**FINDINGS OF FACTS:**

1. The student's IEP in effect at the start of the 2022-2023 school year was developed on June 9, 2022. The IEP reflects that the student has needs in the areas of written expression, expressive language, receptive language, reading comprehension, math, orientation, mobility, social emotional, and vision. The IEP includes present levels of academic achievement and functional performance (PLAAFP) in vision, self-management/behavior, social interaction, and social/emotional. The IEP includes goals in the areas of orientation, mobility, social interaction, and social/emotional. The IEP indicates that instruction in Braille is appropriate. The IEP requires classroom instruction outside of the general education setting for five hours per week with The Teacher of the Visually Impaired (TVI) to address vision needs, orientation and mobility training for one hour a week, and counseling services for two hours per month.

The IEP requires the following social behavior supports:

- encourage the student to ask for assistance when needed; and
- adult support.

The IEP requires the following AT:

- laptop;
- screen reading software; and
- use of a specialized calculator.

The IEP further requires that the TVI and AT staff work with the student and HCPS staff to support his vision related technology needs, to include training on how to access the devices due to his limited vision. HCPS staff are required to make sure that all digital materials are accessible.

The IEP requires the following special considerations and accommodations:

- Audio amplification;
- Eliminate answer choice;
- Directions read aloud and repeated;
- Headphones or noise buffers;
- Line reader mask tool;
- External spell check device;
- Human reader for Math, Science, Government assessments and English Language Arts;
- Audio materials;
- Large print;
- Abacus;

- Response human scribe; and
- Extended time.

The IEP requires the following instructional supports:

- Provide alternative easy for student to demonstrate learning;
- Frequent and/or immediate feedback;
- Check for understanding;
- Allow use of manipulatives to support his auditory learning/instruction; and
- Break down assignments into smaller units.

2. On September 16, 2022, the IEP team convened to conduct an interim review and revise the IEP if necessary. The IEP team determined the student has an additional need in the area of study/organizational skills. The IEP includes a goal in the area of study/organization skills. The student's AT was amended to include access to a word processor with screen reading and speech to text features. The IEP requires classroom instruction outside of the general education setting for four hours per week with the TVI to address vision needs, and orientation and mobility training for thirty hours quarterly.

The following special considerations and accommodations were added to the IEP:

- Human reader and scribe for classwork;
- Extra time for movement between classes;
- Accessible locker;
- Staff training to address sighted guide (travel), and instructional strategies to teach blind students; and
- Classroom instruction consultation by the school clinician to address concerning behaviors.

3. On November 11, 2022, the IEP team convened to conduct an interim review and to address the student's lack of progress towards the annual IEP goals. The IEP team updated the PLAAFP for orientation and mobility to reflect the student achieved one of the three goals, and the achieved goal was removed. Additionally, the vision PLAAFP was updated to reflect the student's progress and the need for a trial use of a tablet. A talking calculator was added to the student's AT. An AT trial (tablet with the Seeing AI app) that allows the student to access information he otherwise would not have access to independently, an AT consult, and a home-school communication system to share his behavior and academic progress were added to his instructional supports.
4. On January 6, 2023, the IEP team convened to conduct an interim review. The IEP team updated the social/emotional PLAAFP to reflect the amount of time the student can manage himself in the classroom. The social emotional goal was updated to reflect the student will remain in the classroom setting for at least 80% of the instructional period. The IEP reflects the AT trial has not started due to lack of technology available.
5. On March 17, 2023, the IEP team convened to continue reviewing the AT data. The student's IEP was amended to require a Tablet with a "Vision App that has multi-functional capabilities that narrates for visually impaired individuals" be added to his AT.
6. On April 14, 2023, the IEP team met to review and revise the student's IEP, as appropriate, and conduct an annual review of the student's program. The IEP reflects that the student has needs in the areas of written expression, reading comprehension, math calculation, study/organizational

skills, orientation, mobility, social emotional, and vision. The IEP includes PLAAFPs in vision, social interaction, and social/emotional. The IEP includes goals in the areas of orientation and mobility, social interaction, study/organizational, and social/emotional. The IEP indicates that instruction in Braille is appropriate. The IEP requires classroom instruction outside of the general education setting for four hours per week with TVI to address vision and study/organizational needs, orientation and mobility training for twenty-seven hours quarterly, and counseling services for two hours monthly.

The IEP requires the following social behavior supports:

- Home-school communication system;
- Adult support; and
- Encourage the student to ask for assistance when needed.

The IEP requires the following AT:

- Word processor with a screen reader and speech to text/text to speech features;
- Tablet with a Vision App that has multi-functional capabilities that narrates for visually impaired individuals with speech to text and text/speech features; and
- Calculator specialized to respond auditorily to the user.

The IEP further requires that the word processor/tablet will be implemented by all HCPS staff when assigning any written task or text that needs to be read. The case manager will train the student/staff how to use the device when required.

The IEP requires the following special considerations and accommodations:

- Audio amplification;
- Eliminate answer choice;
- Directions clarified, read aloud and repeated;
- Headphones or noise buffers;
- Line reader mask tool;
- Magnification/Enlargement device;
- External spell check device;
- Writing tools;
- Human reader for Math, Science, and Government assessments and English Language Arts;
- Frequent breaks;
- Screen reader version;
- Calculation device;
- Abacus;
- Response human scribe;
- Answers recorded in the test book; and
- Extended time.

The IEP requires the following instructional supports:

- Assistive technology;
- Human reader and scribe for classwork;
- Provide alternative easy for student to demonstrate learning;
- Frequent and/or immediate feedback;
- Check for understanding;
- Allow use of manipulatives to support his auditory learning/instruction;
- Break down assignments into smaller units;

- Accessible locker;
  - Allow extra time for movement between classes;
  - Preferential seating;
  - AT consult;
  - Classroom instruction consult; and
  - Staff training.
7. There is documentation that the student has use of assistive technology across all content areas as required by the IEP.
8. There is documentation that the student was provided a human reader, scribe, adult support, and specialized instruction by the TVI as required by the IEP.

### **CONCLUSIONS:**

#### **Allegation #1:**

Based on Findings of Facts #1 to #6, MSDE finds that HCPS did ensure that the IEP developed for the student addressed his vision, AT, and social emotional needs since the start of the 2022-2023 school year, in accordance with 34 CFR §300.101 and .324. Therefore, this office does not find that a violation occurred with respect to the allegation.

#### **Allegation #4**

Based on Findings of Facts #7 and #8, MSDE finds that HCPS has ensured that the student has been provided with AT, human reader, scribe, adult support, and specialized instruction by the TVI as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to the allegation.

### **ALLEGATION #2**

### **ADDRESSING THE LACK OF EXPECTED PROGRESS**

9. Reports of the student's progress reported on November 2, 2022, for the student's annual math, math calculation, study/organization skills goals reflect the student was not making sufficient progress to meet the goal. The student "refused to engage in math instruction during the quarter by putting his head down in class and not accepting help or instruction". The study/organization report reflects the student does not remain in the classes for the entire period, often has his head down, and refuses staff redirection.
10. There is documentation that the IEP team convened on November 11, 2022, to conduct an interim review or revision of the IEP. The IEP Meeting Report developed after the meeting indicates the IEP team discussed the student's progress. The IEP team agreed to update the student's incentive plan to address his time out of the classroom, change to para-educator support, develop a concrete break plan, and update the HCPS staff communication guidelines.
11. Reports of the student's progress reported on January 20, 2023, for the student's annual math calculation, and study/organization skills goals reflect the student was not making sufficient progress to meet the goals.

12. There is documentation that the IEP team convened on February 24, 2023, to address the student's lack of progress for the second quarter. The IEP Meeting Report developed after the IEP team meeting reflects that the IEP team shared that the student struggled to consistently engage in academics or report to classes. The IEP team proposed adjusting his class support for Braille and strategic reading in period three and six. The proposed changes are intended to help the student reengage in academics; he does not report to period three for Braille instruction. The IEP team agreed to continue the meeting.
13. There is documentation that the IEP team re-convened on March 17, 2023, to address the student's lack of progress for the second quarter. The "IEP Meeting Report" developed after the IEP team meeting reflects that the IEP team agreed to the proposed change in HCPS staff to support him in period three and six. The IEP team proposed that supports and instruction on the use of the technology should be done in class to encourage the student to use the AT. The IEP team agreed to update the IEP to reflect the inclusion of the tablet as AT based upon the trial data.
14. Reports of the student's progress reported on March 31, 2023, for the student's annual written language, math, social interaction skills, math calculation, and study/organization skills goals reflect that the student was not making sufficient progress to meet the goal. The student's class attendance, negative peer interactions, refusal to use AT, and work refusal impacted his progress.
15. There is documentation that the IEP team convened on April 14, 2023, to convene an annual IEP review and address the student's lack of progress for the third quarter. The IEP Meeting Report developed after the IEP team meeting reflects that the IEP team proposed considering a new placement that can better support the student's emotion, behavior, academic, and vision needs in order to make progress on his academic goals. The IEP team agreed to make a referral to HCPS Central Office for available placements.
16. Reports of the student's progress reported on June 14, 2023, for the student's annual written language, math, social interaction skills, social/emotional, and study/organization skills goals reflect that the student was not making sufficient progress to meet the goal. The student's class attendance, negative peer interactions, refusal to use AT, and work refusal impacted his progress.
17. There is documentation that the IEP team convened on August 31, 2023, to address the student's lack of progress for the fourth quarter. The IEP Meeting Report developed after the IEP team meeting reflects that the student improved in the areas of social/emotional during ESY. However, the IEP team interpreted the progress with caution due to the academic structure and length of the ESY program. The student continues to struggle with remaining in class and refusing his accommodations and support. The student was accepted to a private separate day school on August 24, 2023. The team proposed changes to his IEP until he transitions into the new school placement. The changes include adding a pre-braille goal, decreasing core academic classes, increasing electives of interest, inclusion of daily skills through foods, continuing reading intervention support, and updating academic classroom support plans.

**CONCLUSION:**

Based on Findings of Facts #9 to #17, MSDE finds that HCPS did ensure that the IEP team reviewed and revised, as appropriate, the student's IEP to address lack of expected progress toward achieving his IEP goals, during the 2022-2023 school year, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to the allegation.

**ALLEGATION #3**

**RE-EVALUATION PROCEDURES**

**FINDINGS OF FACTS:**

18. There is documentation that the student's last re-evaluation occurred on March 25, 2022. The student's projected re-evaluation date is March 25, 2025. The re-evaluation included educational, psychological, speech and language, orientation and mobility, functional vision, and learning media assessments. The vision assessment was in response to a decline in the student's vision. Due to the results of the vision assessment the IEP team determined the student primarily uses his auditory sense to receive information. The re-evaluation determined that the student continued to be eligible as a student with multiple disabilities related to cognitive, emotional, visual impairment, and other health impairment due to Attention Deficit Hyperactivity Disorder.
19. There is documentation that the HCPS IEP team convened on September 16, 2022; November 11, 2022; January 6, 2023; February 24, 2023; March 17, 2023; April 14, 2023; and August 31, 2023. Neither the complainant nor the HCPSS expressed that there was a change in the student's vision and social/emotional needs that required a re-evaluation.

**CONCLUSION:**

Based on Findings of Facts #18 and #19, MSDE finds that HCPS has followed proper procedures when conducting a comprehensive reevaluation in all areas of suspected disability, specifically, vision and social emotional needs since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.303- .306. Therefore, this office does not find that a violation occurred with respect to the allegation.

**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 (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. MSDE




Dr. Terri Savage  
October 19, 2023  
Page 8

recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins  
Deputy Superintendent  
Office of the Deputy Superintendent of Teaching and Learning

DMC/tg

c: Michael J. Martirano  
Patricia Gunshore  
  
Kelly Russo  
Alison Barmat  
Gerald Loiacono  
Diane Eisenstadt  
Nicole Elliott  
Paige Bradford  
Tracy Givens