



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

September 7, 2018

Ms. Jessica Williams
Education Due Process Solutions
711 Bain Drive #205
Hyattsville, Maryland 20725

Dr. Terrell Savage
Acting 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: XXXXX
Reference: #19-008

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 July 13, 2018, the MSDE received a complaint from Ms. Jessica Williams, hereafter, the complainant” on behalf of Ms. XXXXXXXXXX and her son, the above-referenced student. In that correspondence, the complainant alleged that that the Howard County Public Schools (HCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the following allegations:

1. The HCPS has not ensured that all of the needs that arise out of the student’s disability have been identified and addressed since the reevaluation, in accordance with 34 CFR §§300.320 and .324. Specifically; the HCPS has not addressed:

- a. The student's identified speech/language and fine motor needs; and
 - b. Positive behavioral interventions and strategies to address the student's interfering behaviors.
2. The HCPS did not follow proper procedures when considering Extended School Year (ESY) services since the 2017-2018 school year, in accordance with 34 CFR §300.106, COMAR 13A.05.01.07B(2) and COMAR 13A.05.01.08B(2).
 3. The HCPS did not provide the student's parents with prior written notice of the team's decision to reject the request for additional speech/language services, which was made at the Individualized Educational Program (IEP) team meeting in October 2017, in accordance with 34 CFR §300.503.
 4. The HCPS has not provided the student's parent with a quarterly report on the student's progress toward achieving the annual goals for the first and second quarters of the 2017-2018 school year, as required by the IEP, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is six (6) years old, and is identified as a student with a Developmental Delay under the IDEA and has an IEP that requires the provision of special education instruction and related services. He attends XXXXXXXXXXXX School.

FINDINGS OF FACTS:

ALLEGATION #1: IEP THAT ADDRESSES SPEECH/LANGUAGE, FINE MOTOR AND SOCIAL/EMOTIONAL AND BEHAVIORAL NEEDS

1. The IEP identifies needs in the areas of fine motor skills and behavior consistent with the data. The IEP includes annual goals for the student to improve his functioning in these areas, and requires special education instruction and related services to assist him in achieving the goals, as well as accommodations and supplementary aids and services.
2. There is documentation that the student was identified with speech/language skills needs prior to March 1, 2017, which were addressed through the IEP. However, the current data reflects that the student does not continue to have needs in this area.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts #1 - #2, the MSDE finds that the HCPS has ensured that the IEP addressed the needs identified in the evaluation data, in accordance with 34 CFR §§300.320 and .324. Therefore, this office does not find a violation with respect to the allegation.

ALLEGATION #2: CONSIDERING ESY SERVICES

FINDING OF FACT:

3. The IEP documents that the IEP team considered all of the required factors and determined that the student does not require ESY services, consistent with the data, including work samples, daily communication notes and progress reports.

DISCUSSION/CONCLUSIONS:

Based on the Finding of Fact #3, the MSDE finds that the HCPS followed proper procedures when making the ESY decision, in accordance with 34 CFR §300.106, COMAR 13A.05.01.07B (2) and COMAR 13A.05.01.08B (2). Therefore, this office does not find a violation with respect to the allegation.

**ALLEGATION #3: PROVISION OF PRIOR WRITTEN NOTICE OF THE
OCTOBER 2017 IEP TEAM MEETING**

FINDINGS OF FACTS:

4. There is documentation that the prior written notice with all the required information about the decisions made by the IEP team on October 17, 2017 was provided to the parents at the conclusion of the meeting on October 17, 2017.

DISCUSSION/CONCLUSIONS:

Based on the Finding of Fact #4, this office finds that there is documentation that the parents were provided with prior written notice of the decisions made by the IEP team on October 17, 2017, in accordance with 34 CFR §300.503. Therefore, this office does not find that a violation has occurred with respect to the allegation.

**ALLEGATION #4: QUARTERLY PROGRESS REPORTS FOR THE FIRST
AND SECOND QUARTERS OF THE 2017-2018
SCHOOL YEAR**

FINDINGS OF FACTS:

5. The IEP included progress codes and descriptions of the progress towards the goals for fine and visual motor skills, reading, and self-management/behavior, dated November 10, 2017 and January 26, 2018. There is evidence that the progress reports were sent to the parents quarterly, as required by the IEP.

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DISCUSSION/CONCLUSIONS:

Based on the Finding of Fact #5, this office finds that there is documentation that the HCPS provided the parents with the first and second quarter progress reports for the 2017-2018 school year, in accordance with 34 CFR §300.101. and 323. Therefore, this office does not find that a violation has occurred with respect to the allegation.

TIMELINE:

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.

The parent and the school system 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 Special Education/
Early Intervention Services

MEF/sf

c: XXXXXXXXXX
 Michael Martirano
 Sharon Floyd
 Kathy Stump
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 Dori Wilson
 Anita Mandis