




Mohammed Choudhury
State Superintendent of Schools

February 15, 2022




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

RE: 
Reference: #22-073

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.

ALLEGATION:

On December 17, 2021, the MSDE received a complaint from , hereafter, “the complainant,” on behalf of his son, the above-referenced student. In that correspondence, the complainant alleged that the Howard County Public Schools (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 did not provide the parent with a written invitation to the December 7, 2021 Individualized Education Plan (IEP) team meeting, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07D

BACKGROUND:

The student is seventeen (17) years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA. He attends █████ █████ School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. On December 7, 2021, the IEP team convened for a manifestation determination meeting as a result of the student's disciplinary removal. There is documentation that the complainant participated in the IEP team meeting.
2. In its written response, dated January 27, 2022, the HCPS acknowledged that the complainant was not provided with a written invitation to the IEP team meeting.

CONCLUSION:

Based on the Findings of Facts #1 and #2, the MSDE finds that the HCPS did not provide the parent with a written invitation to the December 7, 2021 IEP team meeting, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07D. Therefore, this office finds that a violation has occurred with respect to the allegation.

Notwithstanding the violation, based on Finding of Fact #1, the MSDE finds that the complainant participated in the December 7, 2021 IEP team meeting. Therefore, the violation did not impact the complainant's ability to participate in the IEP team meeting, and no further student-specific corrective action is required to remediate the violation.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that non-compliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at Diane.Eisenstadt@maryland.gov.

To remedy the above violation, the HCPS has proposed training for the [REDACTED] School Special Education Team regarding the requirements of the IDEA related to the provision of written meeting notice prior to an IEP meeting for emergency purposes such as manifestation meetings. The MSDE agrees with this proposal and appreciates the school system's response to the investigation.

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/Special Education Services

MEF/tg

c:	Michael J. Martirano	[REDACTED]
	Kathryn Lyon	Brian Morrison
	Kelly Russo	Diane Eisenstadt
	Patricia Gunshore	Tracy Givens

² The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.