

May 6, 2025

[REDACTED]

Dr. Richard Jeffries
Executive Director for Special Education
Howard County Public Schools System
10910 Clarksville Pike
Ellicott City, Maryland 21042

Re: [REDACTED]
Reference: #25-295

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education, has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

ALLEGATIONS:

On March 7, 2025, MSDE received a complaint from [REDACTED], hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Howard County Public Schools System (HCPSS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The HCPSS has not developed and implemented an Individualized Education Program (IEP) that addresses the student’s identified needs since August 2024, in accordance with 34 CFR §§ 300.323 and .324. Specifically, the complainant alleged:
 - The IEP does not address the student’s needs that stem from [REDACTED].
 - The IEP does not include measurable annual goals.
2. The HCPSS has not ensured that the student's progress towards achieving the IEP goals were measured in the manner required by the IEP since November 2024, in accordance with 34 CFR § 300.320.
3. The HCPSS has not followed proper procedures when responding to a request to amend the student’s education record since December 2024, in accordance with 34 CFR §§ 300.618 - .621.

4. The HCPSS did not ensure that an IEP team meeting convened on December 11, 2024, included the required participants, in accordance with 34 CFR § 300.321. Specifically, you allege that the IEP team did not include a fully licensed speech-language pathologist with documented expertise in childhood [REDACTED] of speech and augmentative and alternative communication (AAC) devices.
5. The HCPSS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the March 1, 2025, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is five years old and is identified as a student with a Developmental Delay (DD) under the IDEA. The student attends [REDACTED] School ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The IEP in effect in August 2024 was developed on March 14, 2024, and amended on May 28, 2024. The IEP reflects the student's primary disability as Developmental Delay, with early learning skills as the areas impacted by the disability. The IEP reflects the annual review date of March 14, 2025.

The present level of academic achievement and functional performance (PLAAFP) data reflects the student is performing at the following instructional grade levels:

- Physical well-being and motor development:
 - Fine/visual motor skills: Below age-level expectations
 - Coordination-small motor: Preschool grade level
 - Self-care tasks: PreK grade level
- Social Foundations
 - Self-control: Preschool grade level
 - Cooperation with peers: PreK grade level
 - Cooperation with peers: PreK grade level
- Language and literacy
 - Story-text comprehension: preschool grade level
 - Communication: 31–36-month range
 - Grammar: 31–36-month range
 - Vocabulary: 31–36-month range
 - Articulation/intelligibility: below age expectations
- Mathematics: Grade level

The IEP lists communication as an area that is impacted by the student's disability, and that the student requires and assistive technology (AT) device and services: "05/01/2024 [the student] requires the use of tablet-based, dynamic display, speech-generating device to clarify his message when not understood when expressing himself, participation in academic tasks, and social engagement. The SLP and SPED will implement the AT device/tool. The SLP will design, customize, and adapt the AT device/tool. SLP will train the student/staff to use the AT device/tool."

The IEP requires the implementation of the following instructional and assessment accommodations:

- Assistive technology
- ELA/Literacy selected response assistive technology device
- Mathematics, Science, Government response assistive technology device
- ELA/L constructed response external assistive technology device

The IEP requires the implementation of the following supplementary aids, services, program modifications, and supports:

- Daily:
 - Assistive Technology: Dynamic Display Speech Generating Device
 - [The student] currently has difficulty producing sounds accurately. While he is making progress in the area of articulation, his conversational speech is difficult for familiar and unfamiliar listeners to understand. When prompted during structured tasks, [the student] is starting to repair breakdowns in conversation by repeating his message at a slower rate. The IEP team is recommending an assistive technology trial. The IEP team will trial a variety of assistive technology tools to support communication. The IEP team will reconvene to discuss trial results."
 - Provide visuals to support learning of novel skills, to support behavior expectations, and communication
 - "[The student] requires the use of a tablet-based, dynamic-display, speech generating device installed with an icon-based communication application with word prediction capabilities. [The student] currently uses a vocabulary with 60 icons available per page. This system is required for [the student] to clarify messages when not understood as he communicates wants and needs, demonstrates academic knowledge, and engages with adults and peers throughout the school day.
 - Assistive Technology: Low-Tech Communication board/book
 - [The student] will be provided with a low-tech communication board/book for when the high-tech device is not available or practical.
 - Additional wait time for responses
 - [The student] will benefit from additional wait time when asked questions and given directions in order to process what is being said to him.
- As needed:
 - Provide visual Prompts and tactile prompts to facilitate accurate sound production during structured speech/language sessions
- As requested:
 - AT consult
 - "Any member of the IEP team can request an AT Consult at any time. This can include: acquisition or provision of AT tools (if needed), selecting, designing, customizing communication systems, maintenance of communication systems, and training for staff."

The IEP includes the following IEP goals:

- Written Language Mechanics:
 - Handwriting: Beginning Control of Writing, Drawing and Art Tools:
“[The student] will expand his use of various drawing and art tools to complete classroom projects and illustrations by achieving the objectives.”
 - Method of Measurement: Observation Record
 - Criteria (Mastery and Retention): 80% accuracy on 4 out of 5 occasions given no more than 1 prompt

This goal is not measurable as written. It does not include conditions under which the goal will be measured or the action that is required.

- Expressive Language:
 - “By March 2025, given visual supports during expressive language activities, [the student] will produce sentences which average 4-5 words in length to retell stories, talk about past events, describe pictures/objects, etc. during a 15-minute activity focused on expressive language across 4 out of 5 sessions as measured by data collection.”
 - Method of Measurement: SLP Input, Observation, Teacher Input
 - Criteria (Mastery and Retention): Sentences averaging 4-5 words during a 15-minute session across 4 out of 5 sessions
- Articulation/Phonology [1]:
 - “By March 2025, Given visual, verbal, and/or tactile prompts as needed, [the student] will increase his intelligibility of speech by producing final consonants on words, will represent all sounds in 2-3 syllable words, and will represent all sounds in consonant clusters in the initial position of words with 70% accuracy across 4 out of 5 sessions as measured by data collection.”
 - Method of Measurement: SLP Input, Observation
 - Criteria (Mastery and Retention): 70% accuracy across 4 out of 5 sessions
- Self-management:
 - “By 3/14/25, [the student] through Persistence: Demonstrate the ability to persist with a task by sustaining attention to whole group activities on 4 out of 5 occasions as measured by teacher data sheets.”
 - Method of Measurement: Observation Record, Teacher Report
 - Criteria (Mastery and Retention): 4 of 5 trials

This goal is not measurable as written. It does not include conditions under which the goal will be implemented or measured.

The IEP requires the following related services:

- One, 20-minute session of speech-language therapy inside general education, weekly; and
- Three, 30-minute sessions of speech-language therapy outside general education, weekly.

2. On October 10, 2024, the IEP team convened to “review assessment results, complete the evaluation process and, if appropriate, determine eligibility for special education and related services, [and] discuss parent concerns.” **Consent to assess the student was obtained on June 10, 2024.** The prior written notice (PWN) generated after the meeting reflects the IEP team reviewed the educational and occupational therapy assessments conducted for the student. The PWN reflects that the complainant shared concerns that she had regarding the student’s previous occupational therapy assessment and that she felt that the student was not receiving the needed supports. The discussion of the educational assessment reflects that the student did not use his augmentative and alternative communication (AAC) device during the assessment. The complainant requested that the assessment be redone, and the school-based team members shared that the student was administered the “Batelle assessment” because “the Batelle goes to 5 years 11 months [and the] HCPSS does not have access to a nonverbal educational assessment. Typically, if students are not accessing the [Woodcock-Johnson] WCJ [assessment], an informal educational assessment would be administered. Since [the complainant] ...previously shared that she only wanted formal assessments to be completed, the Batelle was administered.”
3. On October 24, 2024, the IEP team reconvened to complete the student’s eligibility determination and discuss the complainant’s concerns. The PWN reflects the IEP team reviewed the speech-language and psychological assessments administered for the student. The IEP team reviewed the psychological assessment, and the complainant shared her concerns about the results. The IEP team discussed description of the educational disability of Developmental Delay, and it was reported that the student “demonstrates typical functioning in comparison to peers based on classroom observations, teacher input, and teacher rating scales. The results of the current assessment do not indicate the presence of a 25 percent or atypical delay in social or emotional development.” The team also discussed the description of Attention-Deficit/Hyperactivity Disorder (ADHD) and it was determined that the student did not meet the criteria. The team reviewed the speech-language assessment and it was reported that the student presents with oral [REDACTED]. The IEP team completed the Developmental Delay Supplement Form, and it was determined that the student is eligible under the category of Developmental Delay because he “demonstrates a 25% delay in the area of Communication [and] manifests atypical development in the area of physical development/fine motor skills” based on the results of the assessment. The student was deemed eligible for special education services under the categories Speech and Language Impairment and Developmental Delay, with Developmental Delay as the primary disability. The complainant requested that the student be found eligible under the category of ADHD, and this was rejected by the school-based team. The complainant requested an Independent Education Evaluation (IEE) as a result of her disagreement with the HCPSS evaluation determination.
4. On December 11, 2024, the IEP team reconvened to continue the October 24, 2024, IEP meeting. The PWN reflects the IEP team reviewed the student’s progress toward IEP goals, classroom performance, the current IEP, information provided by the complainant, and teacher/staff feedback and reports in making its determinations. The complainant raised concerns regarding conflicting information about the students’ abilities and the supports required by the IEP. The school-based team provided information regarding the adult support provided in the student’s classroom. It was shared that the student did not require one-to-one support. The IEP team reviewed the student’s speech-language goals and discussed the need for the student to use the AAC device while at school. The IEP team decided to continue the discussion about the student’s current IEP at the next

IEP meeting. The PWN reflects the meeting was attended by the Administrator/Designee, Speech Pathologist, Special Educator, Occupational Therapist, General Educator, the complainant, the student's father, the student, the School Psychologist, the Special Education Instruction Team Leader, and the Instructional Facilitator of Special Education from the District Department of Special Education.

5. On December 18, 2024, HCPSS staff emailed a copy of the PWN from the December 11, 2024, IEP meeting. The email reflected that the IEP was still in draft form because the team needed to continue the meeting.
6. On December 19, 2024, the complainant emailed HCPSS staff members sharing the concerns that she had regarding the PWN from the December 18, 2024, IEP meeting and requested that "these discrepancies be addressed" and the student's IEP be updated.
7. On December 20, 2024, HCPSS staff emailed the complainant sharing that the complainant's email "and detailed notes" to the current IEP meeting report, or the complainant could follow "Policy 9050, section VI. C" to amend the student's record.
8. There is documentation that the "HCPSS Policy 9050, section VI. C," concerns "Hearing Procedures to Amend FERPA-Protected Student Education Records." The policy states that "Requests for amending student education records may be initiated at the school level through a documented request signed by the parent or eligible student and submitted to the principal. The request will include the specific content that appears to be incorrect or misleading or in violation of the privacy rights of the student and data and/or documentation supporting the request." The policy states that the principal will respond to the request within 14 calendar days of receipt of the request.
9. On December 20, 2024, the complainant emailed HCPSS staff, including the school principal, stating that she would like to "proceed with both options." The complainant requested to know if a formal process was necessary to update the student's IEP, and shared that if there was, she was willing to submit her input with a signature. The complainant also requested clarification as to whether Policy 9050 includes the right to amend "records that document parental input during IEP meetings or any other setting?"; and does the "parental input section of the IEP require agreement from the IEP team or principal to include parent's input?" The complainant's correspondence also requests that her email be considered as "formal notice" under Policy 9050 and requested that all her input be directly incorporated into the student's IEP.

As of the date of this Letter of Findings, there is no documentation that the HCPSS responded to the complainant's email.

10. The January 24, 2025, reporting of the student's progress toward the achievement of the IEP goals reflects the following:
 - Written language mechanics:
 - Progress Code: Achieved
 - Description of Progress: Obj 1: [The student] will cut around pictures including curves and corners using regular scissors on 4 out of 5 occasions given no more than 1 prompting. With 83% accuracy, [the student] can cut around shapes

such as circles, or squares with minimal promptings. During OT sessions, [the student] demonstrated using standard scissors to cut around pictures with a variety of curves and corners with at least 80% accuracy on 4/5 occasions. He required one verbal prompt to initiate proper finger position in scissors on 2/5 occasions, independently positioning fingers properly on 3/5 occasions. - Achieved.

- Obj 2: [The student] will combine shapes and lines for simple illustrations such as a house, tree and person, given a model, with no more than 1 additional prompt on 4 out of 5 occasions. With 100% accuracy, [the student] is able to draw simple pictures without any prompting (dinosaurs, beds, circles, houses etc.) - Achieved
- Obj 3: Using a digital grasp with two fingers opposing his thumb (may use a pencil grip), [redacted] will write his name independently in the given space on 4 out of 5 occasions given no more than 1 additional prompt. [The student] demonstrates an accuracy rate of 84% when writing his name daily using an efficient right-handed grasp with no pencil grip needed. While he writes independently in given space, his writing skills would benefit from further refinement. Achieved.

The student's progress toward achieving this goal is not measured as required by the IEP. It provides information about the objectives.

- Expressive language:
 - Progress Code: Making sufficient progress to meet goal
 - Description of Progress: Obj 1: Given visual support (e.g., visual organizer), [the student] will talk about past events and/or retell a story with at least three details across 4 out of 5 sessions as measured by data collection, Using visual supports (e.g., visual organizers), [the student] will discuss past events and/or retell a story with at least three details in 4 out of 5 sessions, as measured by data collection. Currently, [redacted] demonstrates the ability to engage with stories we read by using visual aids, a picture bank, and a word bank, achieving this with 71% accuracy. For example, he retold a story by saying, "the little monkey jump on the bed" or "I don't like snow; too cold." (his words)
 - Obj 2: Given visual support, during play and expressive language activities [the student] will produce sentences with an average of 4-5 words per sentence within a 15-minute session. With 67% accuracy, [redacted] is able to describe pictures and objects, and retell stories. Showing his understanding and retention of the material. For Example: "The girl want to play outside. She has dog!" "I see two cats. They friends." (his words). These responses indicate that [redacted] is developing his critical thinking skills, making connections between the story and his own observations while [redacted] has made some progress, we will continue to work on this goal on a daily basis to refine his skills.
 - Obj 1: Given visual supports (e.g., visual organizer), [the student] talked about past events and/or retell a story with at least three details at 67% across 3 out of 3 sessions as measured by data collection. [The student] had difficulty attending to the task and often requires multiple prompts to retell a story or to retell an event.

When retelling an event, he appears unsure and had difficulty initiating his response. He does well when presented with multiple options, however, judgement for his conversational partner/ therapeutic provider has proven to be difficult if the answer is not common knowledge.

- Obj 2: During play and expressive language activities, [the student] produces sentences with an average of 4-5 words per sentence at 85% of opportunities within a 20-minute session. [The student] regularly produces sentences of 4+ words throughout sessions (i.e. spontaneously during play, structured activities, and semi-structured activities). He is less conversational when reading a book or viewing an audiobook, however, his participation increases when the reading is largely led by the adult. He often chooses to play parallel to peers, but does not continuously interact with peers in large groups when presented the opportunity.

The student's progress toward achieving this goal is not measured as required by the IEP. Data regarding the objectives is provided, however, no information about the goals is stated.

- Articulation / Phonology
 - Progress Code: Making sufficient progress to meet goal
 - Description of Progress: SLP Input:
 - Obj 1: Given visual, verbal, and/or tactile prompts as needed, [the student] will produce final consonants on words with 53% accuracy across 3 out of 3 sessions as measured by data collection.
 - Obj 2: Given visual, verbal, and/or tactile prompts as needed, [the student] will represent all sounds in 2-3 syllable words with 70% accuracy across 3 out of 3 sessions as measured by data collection. [The student] benefits from slowing down, breaking down the word by sounds, and repetitions. He is stimulable for correct production of the word when the context is known.
 - Obj 3: Given visual, verbal, and/or tactile prompts as needed, [the student] will represent all sounds in consonant clusters in the initial position of words with 40% accuracy across 2 out of 3 sessions as measured by data collection. The initial consonant clusters that are most intelligible include labial sounds (i.e., "b, m, p, and/ or w") whereas he has difficulty with /s/ and any combination involving /k/ and /g/. Commonly used words (i.e., black, want) are easier for his conversational partner to comprehend.

The student's progress toward achieving this goal is not measured as required by the IEP. There is no data regarding the goal presented.

- Self-Management:
 - Achieved
- There is no progress reported for the reading, phonics and math number sense goals.

11. On January 30, 2025, the IEP team reconvened to continue the student's reevaluation meeting. The complainant shared her concerns with, and suggestions for, the student's IEP goals. The IEP team reviewed and discussed the student's IEP goals and the service delivery model for their specialized instruction.

12. The January 30, 2025, IEP reflects the student's primary disability as DD with speech-language, communication, fine motor, self-management/behavior, reading comprehension, mathematics, and reading phonics as the areas impacted by the disability. The IEP reflects the annual review date of March 14, 2025.

The continued eligibility data reflects that in June 2024 student was administered the "Kaufman Speech Praxis Test for Children (KSPT) [and received a] standard score of below 49, which is consistent with [REDACTED]. He does know the sounds, but sometimes when his brain tells his mouth to make the sounds, it does not transfer."

The present level of academic achievement and functional performance (PLAAFP) data reflects the student as performing at the following instructional grade levels:

- Math - Number Sense – Kindergarten
- Expressive Language - Pre-K level
 - The expressive language data reflects the results of the June 2024 speech-language assessment and states, "The KSPT results showed Adetomiwa was successfully imitate simple consonants /m, t, p, b, h, d/ in isolation, while he had a difficult time with more complex vowel-consonant combinations in addition to imitating movement of his articulators. [The student] presented with [REDACTED] (also known as childhood [REDACTED] of speech). His [REDACTED] of speech that impacts his ability to form and sequence oral motor movements and speech sounds in words and sentences."
- Self-Management - Below Expectation
- Writing Language Mechanics - Pre-K
- The IEP does not include PLAAFP data for communication, reading comprehension, or reading phonics.

The communication and AT data included in the IEP continued as on the previous IEP.

The instructional and assessment accommodations required by the IEP continued as on the previous IEP.

The IEP requires the following supplementary aids, services, program modifications, and supports:

- Daily:
 - Visual Task Checklist:
 - "[The student] will benefit from a visual task checklist primarily during independent work times and/or small group times when multiple steps for students to complete are given at once. He will also benefit from the visual task checklist at the beginning of the year to help him get accustomed to his new routine in school. Once he is comfortable in his routine, the routine-based task checklist can be faded."
 - Additional wait time for responses:
 - "[The student] will benefit from additional wait time when asked questions and given directions in order to process what is being said to him."

- Picture schedule:
 - “[The student] will benefit from having access to a picture schedule at the beginning of the year to get him used to the new schedule and routine. Once he is used to and comfortable with his schedule, it can be faded away.”
- Assistive Technology: Low-Tech Communication board/Book:
 - “[The student] will be provided with a low-tech communication board/book for when the high-tech device is not available or practical.”
- Assistive Technology: Dynamic Display Speech Generating Device:
 - “[The student] requires the use of a tablet-based, dynamic-display, speech generating device installed with an icon-based communication application with word prediction capabilities. [The student] currently uses a vocabulary with 60 icons available per page. This system is required for [the student] to clarify messages when not understood as he communicates wants and needs, demonstrates academic knowledge, and engages with adults and peers throughout the school day.”
- As needed:
 - Provide visual Prompts and tactile prompts to facilitate accurate sound production during structured speech/language sessions
- As requested:
 - AT consult

The IEP includes the following IEP goals:

- The student’s written language mechanics goal continued.
- Expressive Language:
 - “By December 2025, Given visual supports (e.g. visual organizer, sentence starters), during expressive language activities, [the student] will at least use 3 to 4 details when talking about past events and produce sentences which average 5 to 6 words in length to retell stories, describe pictures/objects, etc. using common sentence starters with...80% accuracy on a 4 out of 5 occasions as measured by data collection.”
 - Method of Measurement: SLP Input, Observation, Teacher Input
 - Criteria: 80%
- The student’s articulation / phonology [1] goal continued as on the previous IEP.
- Articulation / Phonology [2]:
 - “By December 2025, [the student] will reduce phonological pattern of fronting by /k/ and /g/ in all word positions (initial, medial, final) at the word level in 80% of presented opportunities across 3/4 sessions.”
 - Method of Measurement: SLP Data, Observation, SLP Input
 - Criteria: in 80% of presented opportunities across 3/4 sessions
- The student’s self-management goal continued as on the previous IEP.
- The student’s reading-phonics goal continued as on the previous IEP.

- Math-number sense:
 - “By March 2025, given at least 2 prompts, using manipulatives/math materials, [the student] will match number pairs, count up to 15 objectives using one-to-one correspondence, will rote count to 50 with 100% accuracy on 3 out of 4 occasions, as measured by teacher data sheets.
 - Method of Measurement: Classroom-Based Assessment, Observation Record, Teacher Report
 - Criteria: 100% Accuracy

The related services required by the IEP continued as on the previous IEP.

13. There is no documentation that an IEP meeting was held on March 1, 2025.
14. On March 12, 2025, the IEP team reconvened to conduct the student’s annual review. The IEP team reviewed the student’s academic performance, classroom performance, IEP progress reports, and teacher/staff feedback and reports in making its decisions. The PWN reflects the complainant requested clarification regarding the student’s instructional performance grade levels, discrepancies between IEP goals and information that she received regarding the student’s performance from teachers, and the speech supports being provided to the student. The school-based team reported on the supports that the student is receiving, and the need for him to use the AAC device. It was reported that the device would be returned to school the next day. The PWN reflects the IEP team reviewed the student’s progress toward IEP goals. The PWN reflects the IEP team needed to reschedule a continuation meeting for a later date.
15. On April 5, 2025, HCPSS staff emailed a copy of the PWN from the March 12, 2025, IEP meeting to the complainant.
16. There is documentation that to qualify for a full license in speech-language pathology, an applicant must:
 - “Be of good moral character
 - Hold a master's degree in Speech-Language Pathology from an educational institution which incorporates the academic course work and the minimum hours of supervised training required by the regulations of the Board.
 - Have completed the period of supervised postgraduate professional practice (CFY) in speech-language pathology as specified by the regulations adopted by the Board.
 - Have passed the National Examination in Speech-Language Pathology.” (Speech-Language Pathology: Qualifications for Licensure.
<https://health.maryland.gov/boardsahs/Pages/slpqual.aspx>)
17. There is documentation that the student’s speech-language therapist has a limited license active from September 6, 2024, through September 6, 2025.
18. There is documentation that the speech-language pathologist is supervised by a licensed speech-language pathologist who holds an active license through May 31, 2026.

19. There is documentation that the student has received supplementary aids, services, program modifications, and supports required by the IEP since August 2024.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATIONS #1 and #2

DEVELOPMENT AND IMPLEMENTATION OF THE IEP MEASURABLE IEP GOALS

IEP Development

In developing each student's IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student (34 CFR § 300.324). The Present Levels of Academic and Functional Performance (PLAAFP) statement should include the following components: a description of the student's current academic achievement, strengths and weaknesses, functional performance details including a narrative and data when applicable, information about how their disability impacts their involvement and progress in the general education curriculum (34 CFR § 300.320), baseline data to measure progress, and input from caregivers and service providers (MARYLAND STATEWIDE INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCESS GUIDE, Early Intervention and Special Education Services, March 2024).

Addressing the Student's Needs That Stem from

In this case, the student was diagnosed with in June 2024, and the IEP was updated to reflect the diagnosis in January 2025. The supports provided are those that would support the needs of a student with such a diagnosis.

Based on Findings of Fact #1 and #12, MSDE finds that the HCPSS has developed an Individualized Education Program (IEP) that addresses the student's identified needs since January 2025, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

Measurable Annual Goals

The public agency must ensure that the IEP contains measurable annual goals, including academic and functional goals designed to meet the child's needs resulting from the child's disability. These goals should enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs resulting from the child's disability (34 CFR §300.320).

Based on Findings of Fact #1 and #12, MSDE finds that the HCPSS has not developed an Individualized Education Program (IEP) that includes measurable annual goals since August 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE finds a violation.

Progress on Goals

In this case, while the student's progress on his objectives was reported, his progress on his annual goals was not. Accordingly, progress on his goals was not measured as required by the IEP.

Based on Finding of Fact #10, MSDE finds that the HCPSS has not ensured that the student's progress towards achieving the IEP goals were measured in the manner required by the IEP since November 2024, in accordance with 34 CFR § 300.320. Therefore, MSDE finds a violation.

ADDITIONALS VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

REEVALUATION TIMELINE PROCEDURES

When conducting a reevaluation, the public agency must ensure that assessments are conducted, the results are considered by the IEP team, and the IEP is reviewed and revised, as appropriate, within ninety days of the date the team determines that assessments are required (COMAR 13A.05.01.06E).

In this case, consent to assess the student was obtained on June 10, 2024. Based on that timeline, the review and revision of the student's IEP should have been completed by September 8, 2024. There is documentation that the team met two times in October 2024 to review the assessment results, and again in December 2024, but the IEP was not revised until January 2025.

Based on Findings of Fact #2, #3, #4, #11, and #12, MSDE finds that the HCPSS did not ensure that proper procedures were followed in conducting a reevaluation under the IDEA, since September 2024, in accordance with COMAR 13A.05.01.06. Therefore, MSDE finds a violation.

ALLEGATION #2

PROPER PROCEDURES WHEN RESPONDING TO A REQUEST TO AMEND THE EDUCATION RECORD

A parent who believes that information in the student's education record is inaccurate or misleading or violates the privacy or other rights of the student may request that the public agency amend the information. Upon receipt of such a request, the public agency must decide, within a reasonable period of time of the receipt of the request, whether to amend the information. If the public agency refuses to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing to challenge the information (34 CFR §§300.618 and .619).

In this case, the HCPSS policy requires that the school principal respond to a request to amend the education record within 14 days of receiving a "documented request signed by the parent or eligible student and submitted to the principal." Although the complainant did not submit a signed request, she did submit an emailed request and asked that it be considered as her "formal notice" of the request to amend. Therefore, the school principal should have responded to her request within 14 days of receiving it.

Based on Findings of Fact #5 to #9, MSDE finds that the HCPSS has not followed proper procedures when responding to a request to amend the student's education record since December 2024, in accordance with 34 CFR §§ 300.618 - .621. Therefore, MSDE finds a violation.

ALLEGATION #4

IEP TEAM PARTICIPANTS

The IEP team must include the student's parent, at least one regular education teacher of the student if the student is, or may be, participating in the regular education environment, at least one special education teacher of the student, a representative of the public agency who is qualified to provide or

supervise the provision of specially designed instruction, is knowledgeable about the general education curriculum, and about the availability of resources of the public agency, an individual who can interpret the instructional implication of evaluation results, at the discretion of the parent or public agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate, and the student when appropriate (34 CFR § 300.321 and COMAR 13a.05.01.07).

In this case, the IEP meeting was attended by all the required participants. The attending speech-language pathologist is legally qualified to work with the student and participate in IEP meetings, including the development of the IEP.

Based on Findings of Fact #4, and #16 to #18, MSDE finds that the HCPSS did ensure that an IEP team meeting convened on December 11, 2024, included the required participants, in accordance with 34 CFR § 300.321. Therefore, MSDE does not find a violation.

ALLEGATION #5

PROVISION OF IEP DOCUMENT FIVE DAYS PRIOR TO IEP MEETING

In this case, there is no documentation that an IEP team meeting was scheduled for March 1, 2025.

Based on Findings of Fact #13, MSDE finds that there was no IEP meeting scheduled for March 1, 2025, which would require the HCPSS to ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, MSDE does not find a violation.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below. 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 noncompliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects noncompliance in a timely manner, which is as soon as possible, but not later than one 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 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.

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 Ms. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By August 6, 2025, MSDE requires the HCPSS to provide documentation that the school system has:

- Convened an IEP team meeting and determined whether there was a negative impact to the student's progress based on the violations identified in this Letter of Findings. If the team finds there was negative impact, it must determine the amount and nature of compensatory services or other remedies to redress the violations herein and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

The HCPSS must ensure that the complainant is provided with written notice of the team's decisions. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

MSDE requires the HCPSS to provide documentation by August 6, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for measuring progress toward IEP goals as required by the IEP, properly responding to requests to amend education records, proper reevaluation procedures, and conducting timely annual review meetings, under the IDEA. These steps must include staff development.

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 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 why the documentation was not made available during the investigation. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, at Tracy.Givens@maryland.gov. 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.

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

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,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Special Education

ALH/ebh

c: Bill Barnes, Acting Superintendent, HCPSS
Janice Yetter, Director of Special Education at Howard County, HCPSS
[REDACTED], Principal, [REDACTED] School, HCPSS
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Director, Accountability and Data, MSDE
Alison Barmat, Director, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE