



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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June 11, 2015

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Ms. Patty Daley
Executive Director of Special Education &
Student Services
Howard County Public Schools
10910 Route 108
Ellicott City, Maryland 21042-6198

RE: XXXXX
Reference: #15-062

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.

ALLEGATION:

On April 13, 2015, the MSDE received a complaint from Ms. XXXXXXXXX, hereafter, “the complainant,” on behalf of her 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 following allegations:

1. The HCPS has not ensured that the Individualized Education Program (IEP) addressed the student’s needs, since April 13, 2014, as indicated below:

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- a. The HCPS has not ensured that the student's academic, social and emotional needs have been met, in accordance with 34 CFR §300.324 and
 - b. The HCPS has not ensured that the student's occupational therapy needs have been met, in accordance with 34 CFR §300.324.
2. The HCPS has not ensured that the educational placement is the Least Restrictive Environment (LRE) in which the IEP can be implemented since the start of the 2014-2015 school year, in accordance with 34 CFR §300.114 and COMAR 13A.05.01.10.
 3. The HCPS has not ensured that the student has been provided with the supports and services required by the IEP since the start of the 2014-2015 school year, in accordance with 34 CFR §§300.101 and .323. These services include the following:
 - a. Consistent support of a dedicated "1:1 assistant" throughout the school day;
 - b. Behavioral Intervention Plan supports and strategies;
 - c. Monthly social skills training; and
 - d. Advanced notice of changes, including the assignment of a new class.

INVESTIGATIVE PROCEDURES:

1. On April 13, 2015, the MSDE sent a copy of the complaint, via facsimile, to Ms. Patricia Daley, Executive Director of Special Education and Student Services, HCPS.
2. On April 14, 2015, Ms. Sharon Floyd, Education Program Specialist, MSDE, discussed the allegations being investigated with the complainant.
3. On April 17, 2015, Ms. Floyd, discussed the allegations being investigated with the complainant's advocate. On the same date, the complainant corresponded additional concerns electronically (email).
4. On April 20, 21, 22, and 23, 2014, Ms. Floyd spoke with the complainant about the allegations subject to this investigation.
5. On April 23, 2015, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegations subject to this investigation.
6. On April 23, 2014, Ms. Floyd spoke with Ms. Janet Zimmerman, Instructional Facilitator, Nonpublic Services and Special Education Compliance, HCPS, and Ms. Kelly Russo, Resource Teacher, Nonpublic Services and Special Education Compliance, HCPS, about the allegations being investigated.

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7. On April 27, 2015, Ms. Floyd spoke to the complainant's grandmother about the allegations subject to this investigation.
8. On May 1, 2015, the MSDE was provided with copies of documents from the student's educational record from the HCPS.
9. On May 7, 2015, Ms. Floyd and Ms. Memuna Bangura, Monitoring and Accountability Specialist, MSDE, conducted a site visit at XXXXXXXXXXXXXXXXXXXX to review the student's educational record, and interviewed Ms. XXXXXXXX, Special Education Team Leader, HCPS; and Dr. XXXXXXXX, Certified School Psychologist, HCPS; and Ms. Zimmerman, Ms. Russo, and Ms. XXXXXXXX, Instructional Facilitator, XXXXX XXXXX, attended the site visit as representatives of the HCPS to provide information on the HCPS policies and procedures, as needed.
10. On May 7, 8, 14 and 15, 2015, the HCPS provided the MSDE with information to be considered during the investigation.
11. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. Notice of the procedural safeguards, provided to the complainant on April 14, 2015;
 - b. Consent and permission to release information from the complainant for the advocate to the MSDE, dated April 16, 2015;
 - c. Student schedules for the 2014-2015 school year;
 - d. *The Gifted and Talented Educational Program (GT)*, HCPS;
 - e. Parent consent for reevaluation, dated September 11, 2014;
 - f. Parent consent for psychological assessment, dated December 16, 2014;
 - g. *The Academic Life Skills program (ALS)*, HCPS;
 - h. *The Continuum of Services*, HCPS;
 - i. *The HCPS Procedures and Guidelines for Special Education and Related Services, Least Restrictive Environment (LRE) process*, dated 2012;
 - j. IEP dated December 9, 2014 and amended December 16, 2014 and January 30, 2015;
 - k. Invitation to the September 4, 2014 IEP team meeting and written summary of the meeting;
 - l. Invitation to the December 9, 2014 IEP team meeting and written summary of the meeting;
 - m. Invitation to the December 16, 2014 IEP team meeting and written summary of the meeting;

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- n. Invitation to the January 30, 2015 IEP team meeting and written summary of the meeting;
- o. Invitation to the April 28, 2015 IEP team meeting and written summary of the meeting;
- p. Invitation to the May 11, 2015 IEP team meeting and written summary of the meeting;
- q. Evaluation report Attention Deficit Hyperactivity Disorder (ADHD) Supplement, dated January 30, 2015;
- r. Close adult support schedule for the student;
- s. Behavior chart for the student;
- t. ABC data charts, FBA teacher input forms;
- u. Social skills therapy progress logs/data collection;
- v. Report cards, dated 2013-present;
- w. *Occupational Therapy Assessment* report, dated December 10, 2012;
- x. *Psychological Assessment* report dated December 1, 2014, and *Psychological Assessment* addendum, dated January 22, 2015;
- y. *Functional Behavior Assessment* and *Behavior Intervention Plan*, dated April 28, 2014, revised on December 9, 2014, and April 28, 2015;
- z. *Speech/Language Assessment*, dated November 26, 2014;
- aa. *Educational Assessment* report, dated November 24, 2014;
- bb. Samples of instructional modifications;
- cc. IEP dated April 28, 2014;
- dd. IEP dated April 28, 2015;
- ee. Reevaluation report dated September 4 and 11, 2014;
- ff. Social interaction skills therapy progress logs/data collection;
- gg. Reports of the student's progress towards achievement of the annual IEP goals during the 2014-2015 school year; and
- hh. Correspondence from the complainant alleging a violation of the IDEA, received by the MSDE on April 13, 2015.

BACKGROUND:

The student is thirteen (13) years old and attends XXXXXXXXXXXXXXXXXXXX. He is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education instruction and related services (Docs. j, cc, and dd).

During the time period covered by this investigation, the complainant was provided with notice of the procedural safeguards (Docs. a, j, cc, and dd).

FINDINGS OF FACTS:

**ALLEGATION #1 ADDRESSING THE STUDENT’S ACADEMIC,
SOCIAL AND EMOTIONAL, ASSISTIVE TECHNOLOGY,
AND FINE MOTOR NEEDS**

Academic Needs

1. The IEP in effect at the start of the 2014-2015 school year reflects that the student’s reading, writing, and math abilities are between first and third grade levels. It also reflects that the student has been determined by the IEP team to be a student with a significant cognitive disability which requires explicit and ongoing instruction in functional skills, extensive and substantially modified curriculum, reduced instructional pacing and broad supports. The IEP includes goals for the student to improve functional reading, writing, and math skills. It also includes special education instruction and accommodations, such as extended time, modified assignments, and alternative ways to demonstrate learning, which are addressed in all academic classes, including World Cultures to assist him with achieving the goals (Docs. x and cc).

2. At the start of the 2014-2015 school year, the student was placed in a general education World Cultures class for gifted and talented students. The gifted and talented program provides accelerated and enriched services for advanced-level learners, as well as talent development opportunities. There is documentation that the complainant expressed concern at an IEP team meeting on September 4, 2014 about how the instruction can be modified for the student in this class in order for him to access the instruction being provided. The documentation reflects that the school staff have explained that the teacher is modifying the work at the student’s instructional level and that the reason for the student’s placement in the gifted and talented class was to be able to provide him with positive role models to assist him with improving his social interaction skills, which is an area of identified need on the IEP for the student (Docs. c, k, and y).

3. On December 16, 2014, the IEP team convened to again consider the complainant’s concerns. The team decided to transfer the student from the gifted and talented social studies class to another World Cultures class based on information that the student was not maintaining sufficient attention and focus in the class. At that time the progress reports reflect that the use of prompting, scaffolding, and chunking of material have assisted the student with improving his attention to tasks and with work completion, and that the student was making sufficient progress to meet the goals on the IEP (Docs. j, m and gg).

Social and Emotional Needs

4. The IEP in effect at the start of the 2014-2015 school year identifies needs related to peer interaction skills, attention, completing tasks, understanding social cues, and communicating feelings (Doc. cc).
5. The IEP includes goals for the student to use language to communicate feelings, information, needs, and attitudes and to improve social interaction skills in addition to providing for special education instruction and related services to assist the student in achieving the goals, including close adult supervision, frequent changes in activities, social skills training, and visual cueing. The student has a Behavior Intervention Plan (BIP) in place, which requires the school staff to use strategies to assist him with improving communication and following class rules and directions (Docs. j, y, cc, and dd).
6. At an IEP team meeting on September 4, 2014, the complainant shared concerns that the student's levels of participation had decreased, he was making less frequent eye contact, and he appeared more anxious and frustrated. As a result, the IEP team recommended assessments in the areas of social and emotional functioning, educational performance and speech/language therapy needs as well as a classroom observation and consultation with an occupational therapist (Docs. e, j, k, y, and ee).
7. On December 9 and 16, 2014, the IEP team considered the results of the assessment data, which identified the student's needs as difficulty with peer relations, challenges with completing tasks, and executive functioning, such as time management and difficulty with transferring knowledge to a different situation using the same skill set. The team proposed to address the student's needs by increasing the level of modifications to the curriculum, providing assistive technology to address the student's need to complete work to increase his accuracy and "time-on-task". The team also proposed increasing the amount of psychological support he is to receive from the IEP to address his social and emotional needs. The complainant continued to be concerned that the student's amount of active participation in classes had decreased, that he was making less frequent eye contact, and that he appeared more anxious and frustrated. As a result of the complainant's concerns, the IEP team recommended additional assessments in the areas of social interaction, depression and attention (Docs. l, m, x, y, z, aa and ee).
8. On January 30, 2015, the team convened to review the results of psychological assessments and to address the complainant's concerns that the student had eloped from the school grounds on December 19, 2014, despite the provision of close adult supervision. The team determined that the elopement was an isolated incident and that steps had been taken with school staff to ensure it would not recur. Based on the data, the

IEP was also revised to include additional strategies to build social language, active listening techniques, predicting basic emotional reactions given hypothetical scenarios, identifying common interests with peers, and encouraging the student to practice initiating tasks (Doc. n, q, x, and y).

9. On April 28, 2015 and May 11, 2015, the IEP team conducted a review of the IEP and the student's progress. The complainant expressed concerns about the student's reading comprehension skills, ability to understand written money amounts, increased levels of frustration, self-stimulation behaviors, and his lack of peer interaction. The complainant requested that the team consider the student's need for a buddy system. The IEP team added an IEP goal for the student to improve his vocabulary for communicating emotions. The IEP team again increased the amount of psychological services to address the student's frustration, self-stimulation behaviors, and lack of peer interaction. The team also determined that a buddy system would be used during physical education (Docs. o, p, y, dd and gg).
10. The student is making sufficient progress to meet the goal to improve his social and emotional skills. The progress reports reflect that the student is engaging in positive group behaviors (Docs. u, x, dd and gg).

Fine Motor and Assistive Technology Needs

11. On September 4, 2014, the IEP team considered information from the special education teacher that the student is not able to expand upon written details and that he requires prompts to begin writing. The team also considered information from the results of the last occupational therapy assessment completed on December 10, 2012, indicating that the student previously received supports such as reduced paper and pencil tasks, a pencil grip, reminders to use correct spatial organization and consultative services to assist him with handwriting tasks. The team further considered information from teachers that the student has good hand manipulation skills, but that he has poor alignment of his writing when he is distracted (Docs. k and w).
12. At the September 4, 2014 meeting, the IEP team recommended that observations and consultation with an occupational therapist and the Instructional Access Team¹ occur in order to obtain additional information about the student's handwriting and assistive technology needs (Docs. e, k, and w).

¹ The Instructional Access Team provides consultation services for students who may need access to technology to progress through the general education curriculum. The team works collaboratively with school-based teams and assists in the assessment and review of data to ensure students can properly use the technology provided (www.hcpss.org).

13. On December 9, 2014, the IEP team considered information obtained from the occupational therapy observation and consultation, which indicated the student, was more successful using an assistive technology device than with writing by hand because he was able to get more work completed with greater accuracy. The team recommended a trial use of an assistive technology device (laptop computer) that would be made available to the student throughout the day (Docs. l and x).
14. At the IEP team meeting held on April 28, 2015 and May 11, 2015, the IEP team considered the student's progress with the laptop and determined that he was able to successfully expand his ideas and write notes along with the use of the computer and other writing strategies. Based on this information, the team determined that the student will use the computer for longer writing assignments and copying notes, and that he will use the "cloze-procedure" (an instructional modification) for shorter assignments, which is a more focused usage of the technology (Docs. o, p, dd, and gg).

DISCUSSION/CONCLUSIONS:

The public agency is required to develop an IEP that includes special education and related services designed to meet the unique needs of each student that arise from the student's disability. In developing an IEP, the team must consider concerns of the parent, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a student whose behavior impedes his or her learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports, and other strategies, to address the behavior (34 CFR §300.324).

Academic Needs

In this case, the complainant alleges that the student's academic needs are not being addressed because he was placed in a gifted and talented World Cultures class despite the fact that he is working on functional life skills. Based on the Findings of Facts #2 and #3, the MSDE finds that the IEP team has considered information from the complainant, his teachers, including core data. The IEP team has considered the student's progress with the provision of modifications to the general curriculum, with the emphasis on functional life skills, along with the provision of supplementary, aids and services. Therefore, this office does not find a violation with respect to this aspect of the allegation.

Social and Emotional Needs

In this case, the complainant alleges that the student's needs with respect to elopement from school, social interaction and psychological services, including revising the BIP, are not being addressed. Based on the Findings of Facts #4-#10, the MSDE finds that, the IEP team took steps

to consider, revise and implement positive behavioral interventions, add specific IEP objectives to address the student's current social and emotional needs based on the complainant's input, assessment data, teacher input, results of observation, and a social skills group specifically designed to address the student's needs regarding peer interaction, attention to tasks, making eye contact, and decreasing anxiety and frustration. Therefore, this office finds no violation occurred with respect to this aspect of the allegation.

Fine Motor and Assistive Technology Needs

In this case, the complainant alleges that the student's difficulty with completing written work is not being addressed because an updated occupational therapy assessment had not been conducted. Based on the Findings of Facts #11-#13, the MSDE finds that the IEP team assessed the student's fine motor needs, consulted with an interdisciplinary team of specialists about the assessment results, and based on the data, has developed an IEP that addresses the identified needs through assistive technology and other supports. Therefore, this office does not find a violation with respect to this aspect of the allegation.

ALLEGATION #2 EDUCATIONAL PLACEMENT

FINDINGS OF FACTS:

15. The IEP in effect at the start of the school year documented the Least Restricted Environment (LRE) for the student as inside the general education classroom for social studies, science, and related arts. The IEP also required the student eat lunch with his non-disabled classmates, be provided with supplementary aids and services, including accommodations and modifications to the general curriculum with the addition of close adult support, the general educators, and instructional support (Doc. cc).
16. On December 9, 2014, the IEP team decided that the LRE for World Cultures is a separate special education class based on information that the student was not maintaining attention and focus in the general education class even with the provision of supports (Docs. j and l).
17. On April 28, 2015, and May 11, 2015, the IEP team met to review the student's progress towards achieving the annual goals. The team considered the complainant's concerns that the student was not receiving enough social skills interaction within the separate special education World Cultures class. Based on the complainant's concerns, the IEP team decided that for the 2015-2016 school year the LRE for the student would be inside of general education for World Cultures, science, and related arts, with the provision of supplementary aids and services. The team documented that it considered

the fact that the student was making progress in his general education classes and that he will not be placed in a gifted and talented social studies class (Docs. o, p, y, and ff).

DISCUSSION/CONCLUSIONS:

The IDEA requires that the public agency ensure that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Further, the IDEA requires that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved (34 CFR §§300.114 - .116).

In this case, the complainant alleges that the IEP cannot be successfully implemented in a general education classroom and that the student requires a more restrictive placement. Based on the Findings of Facts #15-#17, the MSDE finds that the IEP team has determined that the IEP can be implemented in the general education class for some courses with the provision of supplementary aids and services consistent with the data. Therefore, this office does not find a violation with respect to this aspect of the allegation.

ALLEGATION #3 IEP IMPLEMENTATION OF SUPPORTS

FINDINGS OF FACTS:

Dedicated One-To-One Assistant

18. The IEP at the start of the 2014-2015 school year states that the student is to be “provided with adult support within the classroom throughout the school day to assist with academics and transitions within the classroom.” The IEP further states that, “At times, the student does require assistance in the hallways (but that has decreased as the school year has gone on)” (Doc. j).
19. Two to three adults (special education teachers, temporary employees, instructional assistants, and the instructional team leader) are scheduled to be in the student’s classes providing supervision to the student throughout the school day. The schedule does not indicate support for the student when he is in the hallways, or provide for coverage when support staff is not in attendance (Docs. j and r).
20. On December 19, 2014, the student eloped from the school grounds when the staff member providing adult support was called away on a family emergency (Docs. n and r)

Behavior Intervention Support

21. The BIP dated April 28, 2014, and revised December 8, 2014, and April 20, 2015 requires the use of strategies and social language skills training to help the student with transitions, responding to difficult behaviors, and using social stories and social interaction to support learning of self-management strategies (Doc. y).
22. The BIP requires that strategies be used during transitions throughout the school day including the use of a numerical system to track the student's progress on his behavioral goals. The student is to be permitted to earn incentives for meeting behavioral goals on the behavior chart. The BIP requires the responsive strategies to address the target behaviors to include reminders of the behavior chart and social stories (Doc. y).
23. Therapy progress logs and social skills group data collection, from January 16, 2015 through April 29, 2015, document use of behavioral strategies and student training of how to manage transitions and use social stories as responsive supports when engaged in conversation with adults and peers (Doc. u).
24. Therapy progress logs and speech/language data collection, dated August 26, 2014 to May 13, 2015, documents communication strategies provided to the student regarding communicating and responding to difficult behaviors, using social stories as responsive supports to assist the student to engage in conversation and self-recognition of appropriate conversational interactions (Doc. u).
25. There is documentation that a behavior chart was created to include a numerical system for the student to monitor how he spoke to teachers, followed directions, and completed work. However, there is no documentation that the behavior chart has been used (Docs. u and s).

Social Skills Training

26. The IEP at the start of the 2014-2015 school year required social and behavioral supports to be provided daily throughout the school day in academic and non-academic settings. The IEP also required the student to participate in social skills training weekly (Doc. cc).
27. The IEP dated December 9, 2014, required the student receive a social skills class for one hour and thirty minutes per month with a combination of services provided inside and outside of the general education classroom (Doc. j).

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28. The IEP dated April 28, 2015, required the student to participate in the social skills class for two (2) hours a month (Doc. dd).
29. The social skills group data collection, from January 16, 2015 through April 29, 2015, document the group met for the required amount of time and worked on social and behavioral supports with the student (Doc. u).
30. There is no data to support that the student participated in a social skills group from August 26, 2014 to January 16, 2015 (Doc. c).

Advanced Notice of Class Schedule Changes

31. The IEP does not require that the complainant receive advanced notices of changes to the student's classes (Docs. j, u, cc, and dd).

DISCUSSION/CONCLUSIONS:

The public agency is required to ensure that the student is provided with the special education and related services required by the IEP (34 CFR §300.101).

The public agency must ensure that special education and related services are available to each student in accordance with the IEP (34 CFR §§300.101 and .323). Additionally, the IEP must be written in a manner that is clear to all persons involved in the development and implementation of the IEP (34 CFR §§300.320 and .324, and *Analysis of Comments and Changes, Federal Register*, Vol. 64, No. 48, p.12479, March 12, 1999²).

Dedicated One-To-One Assistant

In this case, the complainant alleges that the IEP required the student to have a dedicated "1-to-1" assistant with him throughout the school day.

Based on the Findings of Facts #18 and #19, the MSDE finds that the IEP is not written in a manner that is clear with respect to whether and how this support is to be provided outside of the classroom and during the school day. Therefore, the MSDE finds that a violation occurred with respect to this aspect of the allegation.

² In the 2004 reauthorization of the IDEA, no changes were made to this requirement.

Behavior Intervention Support

In this case, the complainant alleges that the BIP was not revised to reflect the decisions that were made by the IEP teams held on December 9, 2014 and January 30, 2015 and therefore was not implemented.

Based on the Finding of Fact #20, the BIP was revised twice, once in preparation for the December 9, 2014 IEP team and the second revision occurred three months following the January 30, 2015 IEP team. However, based on the Findings of Facts #21 and #25, the MSDE finds that the decisions made by the teams to implement a plan for positive behavior supports for the student to earn incentives and for meeting behavioral goals on the behavior chart were not implemented. Therefore, the MSDE finds a violation with respect to this aspect of the allegation.

Social Skills Training

In this case, the complainant alleges that social skills classes were not taking place as required by the IEP.

Based on the Findings of Facts #26-#30, there is no documentation that the student participated in the social skills class prior to January 16, 2015. Therefore, this office finds a violation with this aspect of the allegation from August 26, 2014 to January 16, 2015.

Advanced Notice

In this case, the complainant alleges that the IEP is not being fully implemented because she didn't receive advanced notices of the classes in which the student was enrolled at the start of the 2014-2015 school year.

Based on the Findings of Facts #31, the MSDE finds that the IEP does not require the school system to provide advance notice of the classes in which the student is assigned. Therefore, this office does not find a violation with respect to this aspect of the allegation.

CORRECTIVE ACTIONS/TIMELINE:

Student-Specific

The MSDE requires the HCPS to provide documentation by July 17, 2015, that the IEP team has convened to review and revise the IEP to ensure it is written clearly with respect to the close adult support that is needed. The HCPS must also determine the amount and nature of compensatory services or other remedy to redress the violations identified in this investigation and to and develop

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a plan for the provision of those services within one (1) year of the date of this Letter of Findings. The HCPS must ensure that the complainant is provided with written notice of the IEP 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

The MSDE requires the HCPS to provide documentation by the start of the 2015-2016 school year of the steps it has taken to determine if the violations identified in the Letter of Findings are unique to this case or if they represent a pattern of noncompliance at XXXXXXXXXX Middle School. Specifically, a review of student records, data, or other relevant information must be conducted in order to determine if the regulatory requirements are being implemented and documentation of the results of this review must be provided to the MSDE. If compliance with the requirements is reported, the MSDE staff will verify compliance with the determinations found in the initial report.

If the regulatory requirements are not being implemented, actions to be taken in order to ensure that the violation does not recur must be identified, and a follow-up report to document correction must be submitted within ninety (90) days of the initial date of a determination of non-compliance. Upon receipt of this report, the MSDE will re-verify the data to ensure continued compliance with the regulatory requirements.

Documentation of all corrective action taken is to be submitted to this office to: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

Technical Assistance

Technical assistance is available to the parties from Dr. Kathy Aux, Compliance Specialist, MSDE at (410) 767-7770.

Please be advised that the HCPS and the complainant have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the findings of fact or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings. If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary.

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Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions within the timelines reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. 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 and 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 due process.

Sincerely,

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

MEF: sf

c: Renee A. Foose
Judith Pattik
XXXXXXXXXXXXX
Janet Zimmerman
Dori Wilson
Anita Mandis
Sharon Floyd
Kathy Aux