

behavior intervention plans while in Ms. Doe's class did not address the behaviors identified in the ESY eligibility section of the IEP. Nor were the behaviors identified in the behavior plans for these two students identified in the present levels section of the IEPs or anywhere else on these students' IEPs.<sup>29</sup>

Generic IEPs violate the very premise of the IDEA, which mandates an individualized education program for each student with a disability. The IEP team's failure to look at each of these children in Teacher Doe's class in an individualized way and to write meaningful IEPs for them constitutes a violation of their rights under federal and state laws.

The educational neglect of these students encompasses both the procedural problems with their IEPs and the failure to provide appropriate, individualized education services and supports. The failure to develop and implement meaningful communication, behavior, academic and other related services to these students constitutes neglect within the meaning of the Protection and Advocacy statute.

## VI.

### CONCLUSION AND RECOMMENDATIONS

As detailed in Section V, MDLC has determined that the students in Teacher Doe's class sustained both abuse and neglect as those terms are defined by the Developmentally Disabled Assistance and Bill of Rights Act. The abusive and neglectful treatment of the students at Hickory Elementary School occurred because of a confluence of systemic factors including a lack of administrative oversight and accountability and the lack of training and professional

---

<sup>29</sup> Ms. Walter, the Hickory Elementary School assistant principal until October, 2014, told MDLC that she had asked Betsy Adams from the Office of Special Education to help Ms. Doe write the IEPs for her students during the 2013-14 school year because ten students was "a lot" and that she "assumed that [Teacher Doe] accepted the help." Ms. Walter told MDLC that Ms. Adams did not realize that Ms. Doe had not accepted her suggestions because Ms. Adams did not attend all of the IEP meetings.

development of the staff and support personnel serving students at Hickory and elsewhere. These factors have systemic ramifications. For example, Ms. Dekowski was responsible until recently for supporting teachers in nine verbal behavior programs throughout Harford County, despite her lack of formal training in verbal behavior methodology until January, 2014. Her level of training affected her ability to support all of these programs, not just the programs at Hickory for which she was responsible.<sup>30</sup>

Other HCPS staff also moved into positions for which they had little or no training or background. For example, Ms. Walter, the former assistant principal at Hickory, stated during her interview that she had served a stint as autism coordinator for Harford County; she also admitted that she had no particular expertise in autism. Years later, HCPS had not made expertise in autism a requirement for the position, as Kathy Bailey, coordinator of the program until the beginning of the current 2014-15 school year, is a speech pathologist by training, with no expertise in autism. When Office of Special Education coordinators are present at one school's IEP meetings and fail to recognize, or recognize but fail to address, generic or legally noncompliant IEPs, as happened at Hickory, it raises serious concerns that the same situation may be occurring elsewhere at the other schools falling under the aegis of those coordinators.

The limited scope of HCPS' initial investigation, the organizational structure of HCPS with respect to accountability, the failure of HCPS to convene IEP meetings in the spring of 2014 when the extent of the problems became clear, rather than the fall of 2014, which has delayed the development of appropriate IEPs for each of these children that much longer, and the ineffective way in which HCPS communicated with families in the spring and summer of 2014 all point to issues that are systemic in nature and will be addressed in the recommendations detailed below.

---

<sup>30</sup> As of October 29, 2014, Ms. Dekowski is no longer providing support to the teachers at Hickory Elementary School or the other verbal behavior programs.

Recommendations have been divided into sections addressing accountability, student-specific relief, classroom safety and environment, professional development and training, staffing issues, communication with parents, review of IEPs and program review, and Child Protective Services reports and the Child Advocacy Center.

#### A. ACCOUNTABILITY

1. **MDLC RECOMMENDS THAT HCPS EXAMINE ITS TEACHER EVALUATION PROCESS TO ENSURE THAT EVALUATIONS OF SPECIAL EDUCATION TEACHERS INCLUDE PARTICIPATION BY, AND INPUT FROM, PERSONS KNOWLEDGEABLE ABOUT SPECIAL EDUCATION AND KNOWLEDGEABLE ABOUT THE TEACHER'S PERFORMANCE ON A DAY-TO-DAY BASIS.**

**Rationale:** When asked how, without any background in special education, she could competently evaluate a special education teacher such as Ms. Doe, Hickory's principal stated that she relied on the "look-fors" that had been provided to her. She indicated that she has "look-fors" for the verbal mapping program, for general education, and for pedagogy and instruction with students. These are helpful documents. However, they should not be the only evaluation tool. The assistant principal indicated that at least two people are involved in each teacher evaluation—any combination of the principal, assistant principal and instructional facilitator. However, it is not clear how the principal used the involvement of others in evaluating Ms. Doe or any other staff, especially since she did not mention them in her MDLC interview. Kathy Bailey, the autism coordinator, noted in her MDLC interview that she had been involved with Ms. Doe's observations during Ms. Doe's first two years of teaching but had not been involved with her evaluations. The assistant principal chaired Ms. Doe's students' IEP meetings for several years and should have recognized the lack of individualization and other problems with the IEPs. As soon as Megan Dekowski spent a day in Ms. Doe's classroom and had access to the students' IEPs, she recognized how problematic the educational programming was in the

classroom. A better evaluation system must include evaluators who are familiar with special education and with the day-to-day performance of the teacher; had such an evaluation system been in place, it is likely the problems with Ms. Doe's performance would have been picked up earlier.

**2. MDLC RECOMMENDS THAT HCPS EXAMINE ITS PRINCIPAL EVALUATION PROCESS TO ENSURE THAT EVALUATION OF PRINCIPALS INCLUDES ACCOUNTABILITY FOR THE SPECIAL EDUCATION SERVICES WITHIN THE PRINCIPAL'S SCHOOL.**

**Rationale:** Currently, special education teachers are evaluated by the principal, who may or may not have any knowledge of special education. The assistant principal is evaluated by the principal. The principal hires special education support staff who are trained by the Office of Special Education but evaluated by the assistant principal. Principals are responsible for everything that occurs within their schools, which includes special education, but elementary school principals are evaluated by the Executive Director of Elementary Education, without involvement of the Office of Special Education. It is important that principal evaluations include special education as a component, and that those knowledgeable about the status of special education services and programs within the school provide input into the principal's evaluation.

- 3. MDLC RECOMMENDS THAT HCPS:**
- a) CREATE A HOTLINE THAT STAFF AND OTHERS CAN UTILIZE TO REPORT CONCERNS ABOUT SPECIAL EDUCATION ISSUES WITHOUT FEAR OF REPRISAL OR RETALIATION, AND**
  - b) DESIGNATE AN OMBUDSMAN TO BE BASED IN THE SUPERINTENDENT'S OFFICE WHO CAN INVESTIGATE CONCERNS FROM THE HOTLINE OR ANY OTHER SOURCE AND ATTEMPT TO RESOLVE THEM AS WELL AS MAINTAIN ACCURATE RECORDS FOR EVALUATION AND ACCOUNTABILITY PURPOSES.**

**Rationale:** It became clear during MDLC’s interviews that staff in Teacher Doe’s classroom did not report what they witnessed, such as use of water spray by other staff, because Ms. Doe was there and “she wasn’t saying anything.” When Ms. Dekowski contacted Ms. Bailey, the response was not a fully supportive, immediate effort to investigate and resolve the concerns, but rather, a plan to meet several weeks later. Parents had some concerns as well but did not seem to feel that they had a viable place to go to seek resolution of their concerns.<sup>31</sup> If HCPS were to create a hotline, anyone with knowledge of a violation or problem could call, knowing that his or her identity would be fully protected. Creation of an ombudsman position would allow HCPS to address concerns in an informal but structured manner; locating the ombudsman in the Superintendent’s office, as other school systems have done, would ensure that the ombudsman could address issues across the school system and would ensure the necessary accountability. Appointment of an ombudsman would also enable HCPS to centralize complaints for purposes of tracking issues, schools, and staff to identify any patterns.

4. **MDLC RECOMMENDS THAT HCPS REVISE ITS INVESTIGATION PROCESS TO ENSURE THAT ALL ISSUES THAT ARISE DURING AN INVESTIGATION ARE INVESTIGATED FULLY AND THAT, IF NEEDED, THE INVESTIGATOR IS PAIRED WITH A SUBSTANTIVE EXPERT FROM ANOTHER OFFICE OR FROM OUTSIDE THE DEPARTMENT TO ENSURE THAT THE INVESTIGATION IS COMPLETE.**

**Rationale:** HCPS’ initial investigation was narrowly focused on the use of water spray with Student 8. Although the HCPS investigator obtained information in his interviews making clear that additional students were sprayed, that a rolling pin was used to threaten some students, and that some of the other allegations later outlined in the anonymous letter to parents were true, he did not investigate these allegations, nor did he address the issues of educational neglect or

---

<sup>31</sup> HCPS should ensure that parents feel comfortable raising concerns at every level of the system from their child’s school up to the Office of the Superintendent.

supervisory breakdown. The HCPS investigator initiated a second investigation in the fall of 2014 after the first series of IEP meetings had occurred for the nine students represented by MDLC; as a result, additional personnel changes were made at Hickory Elementary School and within HCPS. Had the initial investigation been more comprehensive, and had it included someone knowledgeable about special education, the report could have addressed all abusive and neglectful behavior to which the students in Teacher Doe's class were subjected, as well as the accountability issues that were apparently addressed only subsequently.

Had the anonymous letter not been sent to the parents of Teacher Doe's students, they would likely never have learned about what occurred in their children's classroom during the 2013-14 school year. Had the anonymous letter not been forwarded to MDLC, thereby triggering MDLC's investigatory authority, it is likely that the full extent of the use of aversive behavior intervention, and the extent of educational neglect during Teacher Doe's tenure at Hickory Elementary School would have remained unknown and unrecognized, and that her students would have been denied the relief to which they are entitled.. It is incumbent upon HCPS to develop policies and procedures to address this significant gap in its investigation process.

## **B. STUDENT-SPECIFIC RELIEF**

- 1. MDLC RECOMMENDS THAT BETWEEN THE TIME OF THIS REPORT AND, AT A MINIMUM, THE NEXT CYCLE OF ANNUAL IEP REVIEWS FOLLOWING THE CURRENT CYCLE THAT IS IN PROCESS, HCPS CONTRACT WITH A PARENT ADVOCACY ORGANIZATION SUCH AS PARENTS' PLACE OF MARYLAND, THE ARC, PATHFINDERS FOR AUTISM, OR SIMILAR ORGANIZATION, TO PROVIDE SUPPORT TO THE PARENTS OF EACH OF THE STUDENTS IN TEACHER DOE'S CLASS.**

**Rationale:** The parents of Students 1 through 9 have lost trust in the school system. These parents have also come to realize that they did not fully understand that their children lacked appropriate IEPs. As a compensatory measure, they should have access to advocacy support as

HCPS works to regain their trust, and as they work to rebuild their children's educational lives. Although the IEP process that began in September, 2014 has been more productive, the parents have had attorney representation for their children at these meetings. Having advocacy assistance for the next cycle of annual review meetings would enable the parents of Teacher Doe's former students to continue to gain the knowledge and confidence they need to navigate the IEP process effectively on their own.

**2. MDLC RECOMMENDS THAT HCPS PROVIDE COMPENSATORY SERVICES TO EACH STUDENT FOR THE TIME HE OR SHE WAS PLACED IN TEACHER DOE'S CLASS.**

**Rationale:** It is clear from the memorandum Kathy Bailey sent to Superintendent Canavan, as well as from the interviews conducted by HCPS and MDLC, that the students in Ms. Doe's class did not receive the free appropriate public education guaranteed to them by law. Staff were untrained and unsure how to work with students, IEPs were virtually the same from year to year and from student to student, and the behavior intervention methods used with the students were aversive and punitive. Additionally, students did not receive meaningful consideration for assistive technology and, in some cases, were denied access to augmentative communication that was already included in their IEPs. Documentation is lacking for why disability eligibility codes were changed and why the verbal behavior program was the least restrictive program for each of the students. MDLC recommends that each student receive compensatory services in an amount and type to be determined with the family, HCPS, MDLC and an autism education consultant who can assist in determining what services would be most appropriate for a particular student.

### **C. CLASSROOM SAFETY/ENVIRONMENT**

- 1. MDLC RECOMMENDS THAT IF A SEPARATE BUILDING IS USED FOR CLASSROOMS, HCPS ENSURE THAT IT IS NOT ISOLATED FROM THE MAIN SCHOOL BUILDING, THAT CLASSROOMS ARE VISIBLE FROM THE OUTSIDE, THAT ADMINISTRATORS ARE IN THE BUILDING REGULARLY, AND THAT THE BUILDING NOT BE USED SOLELY TO HOUSE SPECIAL EDUCATION CLASSES FOR STUDENTS WITH DISABILITIES.**

**Rationale:** The parents of Teacher Doe’s students were concerned about how isolated her classroom felt, particularly because visibility into the classroom seemed limited to them and because they felt unwelcome. A number of parents reported to MDLC that they were told that their children did better if parents did not come into the classroom. Parents reported to MDLC that if they needed to pick up their child for an appointment, there would often be a lengthy wait before the classroom door would open and their child would be handed out; they would not be invited into the classroom. MDLC recommends that the feeling of “separateness” be erased by ensuring that the students with disabilities whose classrooms are in that space have as much interaction as possible with the students whose classrooms are in the main building, and that the principal or vice principal visit the classrooms regularly, stopping in to observe, to engage the children, and to monitor for any signs of trouble or distress and to offer support.

Whether the windows were covered or not, the students were not part of the main school community, especially when, as in the case of Student 9, Teacher Doe unilaterally stopped sending him to “specials” such as music with his general education peers. MDLC understands that Hickory Elementary School is overcrowded and that the separate building is needed for classroom space. MDLC urges HCPS not to utilize the separate building only for special education classes and to ensure that whichever classrooms are housed in the building are visible



from outside, are visited daily by administrators, are linked to the main building as much as possible, and are open to parents for visits.

**2. MDLC RECOMMENDS THAT HCPS IMMEDIATELY ORDER HICKORY ELEMENTARY SCHOOL STAFF TO CEASE ANY CONTINUED PRACTICE OF BLOCKING STUDENTS WITH FURNITURE.**

**Rationale:** Depending on how students are blocked in their seats, furniture can be used to restrain them or place them in seclusion if they cannot voluntarily get up and leave the area. To the extent that a student's inability to remain seated interferes with his or her ability to make educational progress, the IEP team, including the parent and a qualified behavior specialist, should address this through a functional behavioral assessment and a behavioral intervention plan with positive behavioral supports, interventions and strategies.

**3. MDLC RECOMMENDS THAT HCPS IMMEDIATELY ORDER HICKORY ELEMENTARY SCHOOL STAFF TO CEASE ANY CONTINUED PRACTICE OF RESTRAINING, ISOLATING OR EXCLUDING STUDENTS IN VIOLATION OF STATE REGULATIONS GOVERNING THE USE OF RESTRAINT, SECLUSION AND EXCLUSION.**

**Rationale:** MDLC's investigation revealed that staff in Teacher Doe's classroom were isolating or excluding students in violation of state regulations. Discussion of restraint, seclusion and exclusion at IEP meetings in the fall of 2014 and review of restraint/exclusion documentation from the first few months of the 2014-15 school year make clear that although Hickory Elementary School has begun to document the use of restraint and exclusion, there still may be use of these interventions in situations that do not meet the state's imminent serious physical harm/less restrictive alternatives standard. Because of the dangers associated for both staff and students with the use of these interventions, MDLC urges HCPS to ensure that Hickory and all schools in the county comply with state law and that they strengthen the functional behavioral

assessment and behavioral intervention plan process and focus on positive behavioral supports and strategies.

**4. MDLC RECOMMENDS THAT HCPS ENSURE THAT CLASSROOM FURNITURE IS STURDY AND SAFE FOR STUDENTS.**

**Rationale:** MDLC has received complaints from parents during this current 2014-15 school year, and exclusion records for two students reflect, that the tables, bookcases and desks used in the verbal behavior classrooms can be easily tipped or thrown. In fact, Student 5 recently sustained an injury to her toe when a bookcase was tipped over on her by another student. Given that these classes are comprised of young students with multiple disabilities, some of whom have challenging behaviors, MDLC recommends that HCPS secure the classroom furniture or use classroom furniture that cannot easily be tipped over or thrown by young children. MDLC understands that HCPS has prized the flexibility of being able to reconfigure the classroom to create individual and group workspace, and that being able to do so depends on being able to move furniture easily. However, student safety must be a priority, and MDLC urges HCPS to consider alternatives that might meet the need for flexibility while keeping students safer.<sup>32</sup>

**D. PROFESSIONAL DEVELOPMENT AND TRAINING**

**1. MDLC RECOMMENDS THAT HCPS PROVIDE TECHNICAL ASSISTANCE, GUIDANCE, TRAINING AND OVERSIGHT TO ENSURE THAT ALL STAFF UNDERSTAND THE MEANING OF THE FEDERAL AND STATE REGULATORY REQUIREMENT TO CONSIDER ASSISTIVE TECHNOLOGY FOR EACH STUDENT WITH A DISABILITY.**

**Rationale:** All of these students have significant communication disorders as a hallmark of their autism or intellectual disability. Nearly all of these students are proficient with computers and iPads; however, the IEP team consistently relegated them to the use of PECS without a

---

<sup>32</sup> At an IEP meeting in December, 2014, HCPS stated that it is in the process of obtaining new desks with attached chairs to ensure that students are safe in the classroom.

meaningful individualized consideration of assistive technology, as required by federal and state laws. 34 C.F.R. 300.324; COMAR 13A.05.01.08(A)(3)(e). Although two or three of the students had augmentative communication assessments over the years, only one student had consistently been given access to a low-tech communication device. It is essential that IEP teams understand the federal requirement that assistive technology be considered for all students, and that the teams look broadly at this requirement. Assistive technology, including augmentative communication, should be a basic consideration for students who have communication disabilities and who cannot write effectively. Staff should assume competence and search for ways to enable students to demonstrate what they know, not throw up barriers to access to technology.

2. **MDLC RECOMMENDS THAT HCPS OBTAIN PROFESSIONAL DEVELOPMENT/TRAINING AND PROVIDE TECHNICAL ASSISTANCE FOR STAFF REGARDING:**
  - a) **THE MEANING AND PURPOSE OF A FUNCTIONAL BEHAVIORAL ASSESSMENT, INCLUDING HOW TO COLLECT AND ANALYZE DATA AND CONDUCT A FUNCTIONAL BEHAVIORAL ASSESSMENT AND HOW TO WRITE A BEHAVIORAL INTERVENTION PLAN;**
  - b) **MARYLAND'S RESTRAINT, SECLUSION, AND EXCLUSION REGULATIONS, AND POSITIVE BEHAVIORAL SUPPORTS, INTERVENTIONS AND STRATEGIES;**
  - c) **HOW TO CONDUCT AN IEP MEETING AND MAKE DECISIONS, THE RIGHTS AND ROLE OF PARENTS, AND HOW TO WRITE AN IEP;**
  - d) **BEHAVIOR AS A FORM OF COMMUNICATION;**
  - e) **SUPPLEMENTARY AIDS AND SERVICES/PROGRAMMATIC MODIFICATIONS AND SUPPORTS;**
  - f) **HOW TO MAKE DECISIONS REGARDING PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT;**
  - g) **IMPLEMENTATION OF VERBAL BEHAVIOR METHODOLOGY**

**Rationale:** Review of the records of the students in Teacher Doe's class and attendance at IEP meetings throughout the autumn of 2014 made clear that staff are in need of significant professional development and technical assistance in nearly all areas.

Ms. Dekowski, the behavior specialist, stated during her interview that she has no formal training as a behavior specialist and that until 2014, the only background she had in verbal behavior methodology came from her own reading and efforts to learn.<sup>33</sup> Email correspondence reveals concerted efforts on her part from at least 2012 on to obtain training, and very little support from the program coordinator to enable that training to occur. Even when Ms. Dekowski was able to obtain formal training in January, 2014, more than three years after she assumed her position, funding was not provided to enable Ms. McKee to travel with Ms. Dekowski to the free training, despite Ms. Dekowski's clear statement that since HCPS assigns support staff in teams, the training would be important for both of them to attend together.

In her interview with MDLC, Dr. Austin discussed professional development that has begun and professional development that is planned, and Ms. Colyer has begun to provide professional development to the autism program staff throughout HCPS. MDLC suggests professional development and technical assistance in each of these areas because it became clear during the IEP process in September and October, 2014 that the combination of technical assistance and support from Dr. Austin and HCPS counsel Mr. Spicer, and advocacy assistance from MDLC for the students were necessary to ensure that the IEP team engaged in a meaningful discussion of present levels of performance, and considered assistive technology and augmentative communication, behavior intervention, and individualized goals and objectives for each student. Team members were not familiar with the requirements of Maryland's restraint/seclusion regulations, and they continually looked to Dr. Austin, Mr. Spicer and MDLC for guidance.<sup>34</sup>

---

<sup>33</sup> Ms. Jennings noted in her HCPS interview during the second investigation that Ms. Dekowski had stepped in as the verbal behavior program coordinator two weeks before the school year started when the coordinator quit, and that she was "doing the best she can" without formal training.

<sup>34</sup> According to Dr. Austin, HCPS has initiated additional professional development for staff during the current 2014-15 school year, including crisis prevention for nonverbal students, assistive technology, including use of iPads for communication, and additional verbal behavior methodology training. In her MDLC interview, Dr. Austin

3. **MDLC RECOMMENDS THAT HCPS ENSURE THAT INCLUSION HELPERS, PARAPROFESSIONALS, AND INSTRUCTIONAL ASSISTANTS RECEIVE GENERAL TRAINING AND TRAINING REGARDING THE NEEDS OF THE PARTICULAR STUDENTS WITH WHOM THEY WILL BE WORKING, AND THAT THEY RECEIVE COPIES OF, OR HAVE ACCESS TO RELEVANT DOCUMENTS, INCLUDING THE IEP AND BEHAVIOR INTERVENTION PLAN.**

**Rationale:** It is also important that classroom staff receive the training necessary to fulfill their support roles effectively. The support staff assigned to Teacher Doe's classroom had little or no training. Inclusion Helper 3 was placed in Ms. Doe's class in December, 2013 with virtually no training. After what he characterized as "a couple of hours" of training from Ms. Dekowski in verbal behavior methodology, he was responsible for conducting IST sessions himself. The other staff reported to MDLC during their interviews that they had, at most, two days of training from Ms. Dekowski, with some ongoing support from her and Ms. McKee. Other than minimal training in verbal behavior methodology and Crisis Prevention Institute training, Teacher Doe's staff reported no other training or preparation for their roles in the classroom. Lack of support from the Office of Special Education contributed to the situation.

An inclusion helper who has been at Hickory for 9 ½ years, and who came with 14 years of experience working with people with disabilities, told MDLC that she would "love to have exposure to other programs" and that she would love to see Trellis, a nonpublic school for young students with autism. She told MDLC that she "would love to know about other strategies" and that it "would be nice to be able to talk with behavior specialists." An inclusion helper told MDLC that it would be helpful for HCPS to provide "a good formal training on what is acceptable and what is not for new employees" and that "proper training on how to deal with

---

noted that HCPS plans to develop a special education course for administrators and that the school system needs to develop an assistive technology plan. She also discussed the need for funding for ongoing professional development.

behavior” and how to redirect students would be helpful. A substitute inclusion helper now working full-time at Hickory told MDLC that training is helpful before starting work; she noted that she would have liked to have been told what kind of setting she was going to be working in before she arrived. Another substitute inclusion helper also said she would love more training and noted that she had to ask what the verbiage and acronyms used in special education mean

## **E. STAFFING ISSUES**

### **1. MDLC RECOMMENDS THAT HCPS DEVELOP STAFFING PLANS TO ALLOW PLANNING TIME FOR STAFF CONSULTATION.**

**Rationale:** The students in the verbal behavior programs are complicated children with multiple disabilities and complex educational needs. The special education and general education teachers, the inclusion helpers, related service providers, and other staff all play important roles in educating these students, and it is critical that they have time to talk with each other about the students, about what works and does not work, about how to approach instruction, communication, behavior, peer interaction, and the myriad other issues that comprise the school day for each of these students. In her interview with MDLC, one of the inclusion helpers remarked that during one of her years in Teacher Doe’s classroom, perhaps her second year at Hickory Elementary School, all of the classroom providers met at the end of the day to talk about the children, trade ideas, and talk about what worked and what did not work. She said it was helpful, but that they did not do that anymore, “probably because of time.” Cross-provider consultation and planning time is important to promote the consistency and teamwork that enable students to make meaningful educational progress and can be reflected on the IEP as a programmatic support. But HCPS would need to ensure that staff are allocated in such a way that they can use time for this purpose.

**2. MDLC RECOMMENDS THAT HCPS ENSURE THAT PARAPROFESSIONALS, INCLUSION HELPERS, AND INSTRUCTIONAL ASSISTANTS CLEARLY UNDERSTAND THEIR ROLES IN THE CLASSROOM.**

**Rationale:** During the course of its interviews, MDLC found that classroom staff were unsure of the differences between the positions of inclusion helper, instructional assistant and paraprofessional; all said that functionally, they were the same roles. Beyond verbal behavior training and training in Crisis Prevention Intervention, staff had little or no training and did not have access to the students' IEPs or, to the extent they existed, to functional behavioral assessments or behavior intervention plans. Staff were, however, given primary responsibility for IST sessions and for managing the behavior of the students, as became evident during HCPS' investigation and MDLC's interviews. It is important that the teacher retain primary responsibility for teaching and that classroom staff retain their support roles in the classroom.

**F. COMMUNICATION WITH PARENTS**

**1. MDLC RECOMMENDS THAT HCPS REVIEW ITS METHODS OF COMMUNICATING WITH PARENTS AND SHARING INFORMATION WITH THEM AND, AS APPROPRIATE, THAT HCPS DEVELOP POLICIES TO ADDRESS THIS ISSUE.**

**Rationale:** One of the reasons the parents of Teacher Doe's students have been so upset is that they received very little information from HCPS. The letter sent by Ms. Jennings in April, 2014 about Ms. Doe's departure gave no indication of why she was gone; no other communication was sent by HCPS until after a group of parents sent a letter to the school board. Student 8's father did not hear from administrators about use of the water spray until several days after the incidents occurred. Parents wrote to the Board of Education and instead of receiving a response from the Board, they each received a communication from the Special Education director, offering to set up a meeting. Parents reported to MDLC that they were told that water spray was used with one student on one occasion. Despite multiple references to other water spray

incidents and to use of the rolling pin in the HCPS interview statements, for example, HCPS did not notify or talk with those parents, at least until the late fall of 2014, well after MDLC had repeatedly urged both HCPS' attorney and special educator to share this information with the families. The parents of Students 1 through 9 were upset and angry after receiving the anonymous letter at the end of the school year; until receiving copies of MDLC's report, these parents still did not fully know what actually happened in their children's classroom or to their children. HCPS's communication with parents was late and incomplete and exacerbated the climate of distrust and anger. MDLC understands that HCPS must balance its needs as a school system with the need to maintain relationships with the families it serves. However, MDLC strongly recommends that HCPS develop policies and procedures to govern communication with families and with the public when situations such as this arise. HCPS could have navigated a path between information that could be shared and confidential personnel information that could not.

**2. MDLC RECOMMENDS THAT HCPS DEVELOP GUIDANCE FOR SPECIAL EDUCATION TEACHERS AND IEP TEAMS REGARDING HOW TO PROVIDE MEANINGFUL CLASSROOM AND IEP-RELATED INFORMATION TO PARENTS ON A REGULAR BASIS.**

**Rationale:** An issue that has arisen multiple times during the course of the IEP meetings that began in September, 2014 is that of provision of meaningful information to parents. Parents have complained that the daily behavior checklist with smiley faces they receive does not provide them with information that is helpful. MDLC has assisted the parents in raising their concerns during the IEP meetings so that more comprehensive communication forms and methods can be developed. MDLC recommends that HCPS develop guidance for special education teachers and IEP teams regarding school-home (and home-school) communication,



and that IEP teams be advised that this issue should be addressed at IEP meetings during discussion of supplementary aids and services and programmatic modifications and supports.

**3. MDLC RECOMMENDS THAT PARENTS BE INFORMED OF THE AVAILABILITY AND BENEFITS OF FACILITATED IEP MEETINGS.**

**Rationale:** Sometimes, the relationship between parents and the IEP team becomes strained but the family does not necessarily need or have access to an advocate or a lawyer. However, the presence of a trained facilitator changes the dynamics of the meeting and can enable the family and team to move forward with a productive meeting. MDLC encourages HCPS to inform families of the availability of facilitated IEP meetings and to utilize this option more frequently as a means of resolving disputes before they escalate.

**G. REVIEW OF IEPS/PROGRAM REVIEW**

**1. MDLC RECOMMENDS THAT HCPS REVIEW THE IEPS OF ALL STUDENTS IN HCPS TO ENSURE THAT THEY ARE INDIVIDUALIZED AND MEET THE REQUIREMENTS OF FEDERAL AND STATE LAW.**

**Rationale:** MDLC is concerned that because the IEP meetings for Ms. Doe's students were attended by Office of Special Education and regional staff, rather than only Hickory Elementary School staff, the existence of "cut and paste" generic IEPs may extend beyond Hickory. MDLC understands that HCPS has initiated a review of IEPs in its regional programs and commends this effort. MDLC suggests the development of a schedule to ensure that all IEPs are reviewed to make sure they are individualized and reasonably calculated to lead to meaningful educational progress in accordance with the requirements of federal and state law.

**2. MDLC RECOMMENDS THAT HCPS REVIEW THE WORK OF ITS CONSULTANTS AND THE EXTENT OF PROGRAM IMPROVEMENT AT THE CONCLUSION OF THE 2014-15 SCHOOL YEAR AND IN CONSULTATION WITH MDLC DETERMINE IF RETENTION OF AN EXTERNAL AUTISM EDUCATION EXPERT IS NEEDED.**

**Rationale:** MDLC recognizes the effort that HCPS is making to improve its autism programs by contracting with Humanim for the expertise of Dr. and Ms. Colyer for the 2014-15 school year. MDLC also recognizes that systemic change takes time. However, MDLC remains concerned about the appropriateness of educational services, particularly for the students in the classroom of the new and inexperienced teacher, and recommends that an overall status review be conducted at the conclusion of the 2014-15 school year to determine what progress has been made, whether the services of Dr. and Ms. Colyer will be continued, and/or whether retention of an additional autism education expert is warranted.

**H. CHILD PROTECTIVE SERVICES REPORTS/CHILD ADVOCACY CENTER**

**1. MDLC RECOMMENDS THAT HCPS CLARIFY THE CHILD PROTECTIVE SERVICES REPORTING REQUIREMENTS FOR STAFF WHEN ABUSE OR NEGLECT IS SUSPECTED.**

**Rationale:** During their interviews with MDLC, staff were not uniformly certain about who was responsible for contacting Child Protective Services to report abuse or neglect. For example, Ms. Jennings, the Hickory Elementary School principal and Mr. Boyer, the HCPS investigator, told MDLC that their understanding is that the staff member who observes the behavior is the person is supposed to report it; therefore, according to Ms. Jennings, it would have been the responsibility of the substitute who witnessed the use of the water spray to make the report, although Ms. Jennings could not explain how the substitute would have known she had this obligation. Ms. Jennings did not make a report. She contacted Mr. Boyer, and he contacted Child Protective Services. He told MDLC he does not think HCPS has a policy about reporting

to Protective Services. Ms. Jennings, the principal, told MDLC that HCPS' Guidance Department has information that covers reporting.

MDLC recommends that HCPS provide clear guidance and training to school staff regarding mandatory reporting requirements to Child Protective Services and that HCPS develop policies and procedures if they do not currently exist, to ensure that school administrators are aware if staff other than administrators make a report.

**2. MDLC RECOMMENDS THAT:**

- a) HCPS WORK WITH CHILD PROTECTIVE SERVICES AND THE CHILD ADVOCACY CENTER TO STRENGTHEN THE REFERRAL PROCESS AND THAT**
- b) CHILD PROTECTIVE SERVICES AND THE CHILD ADVOCACY CENTER OBTAIN TRAINING TO BETTER UNDERSTAND ABUSE AND NEGLECT IN THE EDUCATION SETTING AND TO UNDERSTAND THE ROLE OF MARYLAND DISABILITY LAW CENTER WITH REGARD TO ALLEGATIONS OF ABUSE OR NEGLECT OF CHILDREN WITH DISABILITIES IN COMMUNITY OR INSTITUTIONAL SETTINGS.**

**Rationale:** Multiple reports were made to Child Protective Services, which declined to investigate. The Child Advocacy Center, a multi-disciplinary center in Harford County which focuses on child abuse issues, also received a complaint regarding Hickory Elementary School but did not take any action, since Child Protective Services did not investigate. Because HCPS' investigation was a personnel investigation that did not fully address each of the actions witnessed, such as water spray use with students other than Student 8 and rolling pin threats, the failure of Child Protective Services to investigate and the failure of the Child Advocacy Center to become involved in any way left Teacher Doe's students without the agency investigation and protection they so desperately needed. Had MDLC not learned of this situation and undertaken its investigation, it is

likely that families and high level school system administrators would still not know the full extent of what occurred last year.

MDLC is concerned that Child Protective Services and the Child Advocacy Center did not recognize this situation as one involving abuse that warranted investigation. Students with disabilities may be subjected to abuse such as the infliction of injuries during restraint or seclusion or the use of other aversive behavior interventions such as those used by Teacher Doe and her staff at Hickory Elementary School. Training for CPS and Child Advocacy staff regarding these issues would be helpful, as would training regarding the role of Maryland Disability Law Center in investigating allegations of abuse or neglect of children with disabilities in community or institutional settings, as situations may arise in which referrals to MDLC, joint training opportunities, or other opportunities to work together may present themselves. For these reasons, a copy of this report will be shared with the Child Advocacy Center.