



Barbara P. Canavan, Superintendent of Schools  
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**Office of General Counsel**  
Patrick P. Spicer, Esquire, General Counsel  
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February 27, 2015

**VIA ELECTRONIC AND USPS MAIL**

Leslie Seid Margolis, Esquire  
Maryland Disability Law Center  
1500 Union Avenue, Suite 2000  
Baltimore, Maryland 21211-1982  
lesliem@mdlclaw.org

Re: Hickory Elementary School Autism Program ("HKESAP")/  
Harford County Public Schools ("HCPS") 2013-2014 School Year

Dear Ms. Margolis:

This will serve to reduce to writing the understandings reached by Maryland Disability Law Center ("MDLC") and HCPS at our meeting of February 4, 2015 regarding the recommendations contained in MDLC's report dated January 20, 2015 (the "Report") concerning the above matter.

Attendees at the February 4, 2015 meeting were as follows.

From HCPS:

Ms. Barbara P. Canavan, Superintendent  
Patrick Spicer, Esquire, General Counsel  
Dr. Susan Austin, Director of Special Education  
Ms. Jean A. Mantegna, Assistant Superintendent for Human Resources

From MDLC:

Leslie Seid-Margolis, Esquire  
Alyssa Fieo, Esquire

These understandings, set forth in sequential order as the corresponding recommendations appear in the report, are as follows.

Recommendation A-1 (at page 60 of the Report):

- 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.**

HCPS has and will continue to examine the evaluation process described. HCPS will include, within the teacher and administrator evaluation prescribed by state law, participation and/or input by persons knowledgeable about special education.

Additionally, HCPS will provide professional development regarding special education instruction and legal compliance for all school based administrators in accordance with a plan to be developed by April, 2015. This professional development will enhance the special education knowledge and expertise of all school based administrators who, in turn, evaluate special education teachers.

Recommendation A-2 (at page 61 of the Report)

**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.**

See response to A-1 above. Further, the HCPS executive directors of elementary and secondary education will be involved in evaluations of all principals. These evaluations will include a review of student achievement and outcome data including that of students with disabilities.

Recommendation A-3 (a) (at page 61 of the Report)

- 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.**

HCPS has a hotline in effect. This hotline is published on the HCPS website and will be published in the HCPS calendar/handbook provided to the families of each student at the beginning of the school year.

Recommendation A-3 (b) (at page 61 of the Report)

- 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.**

The Hotline is sufficient and obviates the need for the ombudsman position mentioned in this recommendation.

Recommendation A-4 (at page 62 of the Report)

**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.**

HCPS will ensure that persons who are knowledgeable in special education instructional and legal compliance matters are involved in any investigation of misconduct relative to students with disabilities. HCPS will include in its administrative handbook, currently being revised, provisions which implement the above.

Recommendation B-1 (at page 63 of the Report)

**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.**

HCPS proposed that its existing parent center and its director, Ms. Lori Ginley, would serve as the suggested parent advocacy organization. Dr. Austin and Ms. Margolis will each discuss this suggestion with Ms. Ginley. After this occurs, further discussion between HCPS and MDLC will take place regarding the recommendation.

Recommendation B-2 (at page 64 of the Report)

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

IEP meetings are and will continue to be conducted to review the nature and extent of compensatory services to be provided to the described students.

Recommendation C-1 (at page 65 of the Report)

**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.**

Assuming funding from county fiscal authorities, approximately half of the students currently enrolled in the autism program at Hickory Elementary School will be reassigned to a new regional autism program to be located at another elementary school.

All classrooms to which students enrolled in the Hickory Elementary School regional autism program are assigned will be located in the main building at Hickory Elementary School beginning with the 2015-2016 school year. Information regarding the above will be communicated to the parents of all students involved as soon as practicable.

Recommendation C-2 (at page 66 of the Report)

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

HCPS will ensure that the recommendation is implemented. The issue raised in the recommendation will also be addressed in professional development.

Recommendation C-3 (at page 66 of the Report)

**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.**

HCPS will ensure that the recommendation is implemented. The issue raised in this recommendation will also be addressed in professional development.

Recommendation C-4 (at page 67 of the Report)

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

HCPS has implemented this recommendation.

Recommendation D-1 (at page 67 of the Report)

**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**

HCPS will plan and provide professional development sessions to all relevant staff regarding this subject matter. Mr. Spicer and Dr. Austin met on February 26, 2015 with Ms. Jacqueline Tarbert, Coordinator of Professional Development, and discussed the development of specific modules, schedules and instruction in order to deliver this professional development during this school year and next.

Recommendation D-2 (a-g) (at page 68 of the Report)

**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 AIDES AND SERVICES/PROGRAMMATIC MODIFICATIONS AND SUPPORTS**

**F) HOW TO MAKE DECISIONS REGARDING PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT;**

**G) IMPLEMENTATION OF VERBAL BEHAVIOR METHODOLOGY**

HCPS will plan and provide professional development sessions to all relevant staff regarding this subject matter. Mr. Spicer and Dr. Austin met on February 26, 2015 with Ms. Jacqueline Tarbert, Coordinator of Professional Development, and discussed the development of specific modules, schedules and instruction in order to deliver this professional development during this school year and

next. Further, HCPS has begun training for all special educators regarding standards-based IEPs.

Recommendation D-3 (at page 70 of the Report)

**3. MDLC RECOMMENDS THAT HCPS ENSURE THAT INCLUSION HELPERS, PARAPROFESSIONALS, AND INSTRUCTIONAL ASSISTANTS RECEIVE GENERAL TRAINING AND TRAINING REGARDING THE NEEDS OF THE PARTICULAR STUDENT 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.**

HCPS will plan and provide professional development sessions to all relevant staff regarding this subject matter. Mr. Spicer and Dr. Austin met on February 26, 2015 with Ms. Jacqueline Tarbert, Coordinator of Professional Development, and discussed the development of specific modules, schedules and instruction in order to deliver this professional development during this school year and next. Further, HCPS began addressing this issue with a November, 2014 professional development/training of all staff working with students in all regional programs.

HCPS will take steps to ensure that all of the above mentioned staff have access to or receive copies of special education documents, including IEPs and BIPs which such staff need in order to provide services to students they serve.

Recommendation E-1 (at page 71 of the Report)

**E. STAFFING ISSUES**

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

HCPS will develop a strategy and plan to implement this recommendation. This strategy and plan will allow and provide staff in the regional autism program to meet, discuss classroom and instruction issues, and receive on-going and regular training as permitted by the negotiated agreement at least once per week after the duty day.

Recommendation E-2 (at page 72 of the Report)

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

HCPS will plan and provide professional development sessions to all relevant staff regarding this subject matter. Mr. Spicer and Dr. Austin met on February 26, 2015 with Ms. Jacqueline Tarbert, Coordinator of Professional Development, and discussed the development of specific modules, schedules and instruction in

order to deliver this professional development during this school year and next. Further, HCPS began addressing this issue with a November, 2014 professional development/training of all staff working with students in all regional programs.

Recommendation F-1 (at page 72 of the Report)

**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.**

HCPS will advise MDLC regarding its communication methods/policies regarding parents.

• Recommendation F-2 (at page 73 of the Report)

**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**

HCPS will provide professional development regarding the subject matter of these recommendations. This professional development will be included within overall professional development to be developed and delivered as discussed above.

Recommendation F-3 (at page 74 of the Report)

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

HCPS will implement this recommendation by providing such information to parents.

Recommendation G-1 (at page 74 of the Report)

**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**

HCPS has and will continue to perform random audits of IEPs in its regional programs for autistic students.

HCPS has and will continue to submit to random audits conducted by the Maryland State Department of Education.

HCPS has and will continue to audit all IEPs of students who take the Maryland Alternative Assessment and John Archer School students.

HCPS will audit all IEPs implemented for students with disabilities who have been the subject of seclusion or who were provided service by HCPS' Augmentative Communication Specialist during the 2012-2013 or 2013-2014 school years.

Recommendation G-2 (at page 75 of the Report)

**2. MDLC RECOMMENDS THAT HCPS REVIEW THE WORK OF ITS CONSULTANTS AND THE EXTENT OF PROGRAM IMPROVEMENT AT THE CONCLUSION OF THE 2014-2015 SCHOOL YEAR AND IN CONSULTATION WITH MDLC DETERMINE IF RETENTION OF AN EXTERNAL AUTISM EDUCATION EXPERT IS NEEDED**

HCPS will implement this recommendation.

Recommendation H-1 (at page 75 of the Report)

**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**

HCPS will implement this recommendation as follows.

HCPS will provide professional development regarding child abuse/neglect reporting.

HCPS will review and, as necessary, revise the child abuse and neglect reporting procedures.

Recommendation H-2 (a) (at page 76 of the Report)

**MDLC RECOMMENDS THAT:**

**A) HCPS WORK WITH CHILD PROTECTIVE SERVICES AND THE CHILD ADVOCACY CENTER TO STRENGTHEN THE REFERRAL PROCESS AND THAT**

HCPS has and will implement this recommendation as follows.

HCPS will continue to meet and dialogue with Child Protective Services and Child Advocacy Center regarding the reporting process.

Recommendation H-2 (b) (at page 76 of the Report)

**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**

Leslie Seid-Margolis, Esquire  
February 27, 2015  
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**CENTER WITH REGARD TO ALLEGATIONS OF ABUSE OR NEGLECT OF HCILDRN  
WITH DISABILITIES IN COMMUNITY OR INSTITUTIONAL SETTINGS.**

Not applicable.

Please advise as to any comments you may have regarding the above.

Sincerely yours,

Patrick P. Spicer

/dlr

cc: Barbara P. Canavan, Superintendent (by electronic mail)  
Marcella Franczkowski, Assistant State Superintendent for the Department of Special Education (USPS Mail Only)  
Ms. Jean A. Mantegna, Assistant Superintendent for Human Resources (by electronic mail)  
Dr. Susan Austin, Director of Special Education (by electronic mail)



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March 12, 2015

**VIA ELECTRONIC AND USPS MAIL**

Leslie Seid Margolis, Esquire  
Maryland Disability Law Center  
1500 Union Avenue, Suite 2000  
Baltimore, Maryland 21211-1982  
lesliem@mdlclaw.org

Re: Maryland Disability Law Center ("MDLC")  
Report Dated January 20, 2015

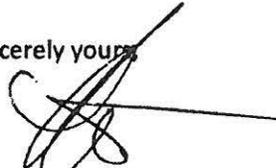
Dear Leslie:

This will serve to respond to your e-mail inquiry of February 27, 2015 regarding the above.

This will serve to confirm that, with regard to our response to recommendation G-1, set forth in my letter to you of February 27, 2015, HCPS will audit the IEPs of all students who were subject to restraint during the 2012-2013 and 2013-2014 school years. This audit will be in addition to those audits which I stated in my aforementioned letter HCPS would perform.

Please advise should you have any questions.

Sincerely yours,



Patrick P. Spicer

/dlr

cc: Barbara P. Canavan, Superintendent (by electronic mail)  
Dr. Susan Austin, Director of Special Education (by electronic mail)



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April 13, 2015

**VIA ELECTRONIC AND USPS MAIL**

Leslie Seid Margolis, Esquire  
Maryland Disability Law Center  
1500 Union Avenue, Suite 2000  
Baltimore, Maryland 21211-1982  
lesliem@mdlclaw.org

Re: Hickory Elementary School Autism Program ("HKESAP")/  
Harford County Public Schools ("HCPS") 2013-2014 School Year

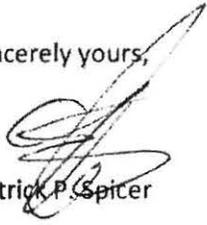
Dear Ms. Margolis:

By letter dated March 17, 2015, you requested that HCPS provide to the Maryland Disability Law Center ("MDLC") quarterly reports regarding the status of its actions taken in response to recommendations set forth in the MDLC Report dated January 20, 2015.

This will serve to confirm that HCPS will provide quarterly reports regarding the status of the actions HCPS has taken as set forth in my letter to you of February 27, 2015 in response to the Report. These reports will be provided for the 2014-2015 and 2015-2016 school years.

Please advise as to any comments you may have regarding the above.

Sincerely yours,



Patrick P. Spicer

/dlr

cc: Barbara P. Canavan, Superintendent (by electronic mail)  
Dr. Susan Austin, Director of Special Education (by electronic mail)