

# Staffing shortages and your child's right to special education

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Students with disabilities are entitled to a free, appropriate public education (FAPE), which means individualized special education and related services designed to meet the child's unique needs. Students with disabilities may be entitled to compensatory (make-up) education if they have not received a FAPE.

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Now that schools have reopened for in-person learning, many families have found that their children with disabilities are not receiving FAPE because of staffing shortages. These shortages are widespread and include, but are not limited to:



bus driver shortages, leading to overcrowded buses or the inability of some students to get to and from school;



nursing shortages, making it impossible for some students to attend school because they need 1-1 nurses to monitor and attend to their health needs in order to be at school safely;



paraprofessional and assistant shortages, making it challenging for students who need instructional, behavioral or personal support to attend school.



home and hospital teacher and instructor shortages. Because many students with disabilities may not be able to attend school safely in person, home and hospital programs have become inundated with requests, resulting in delays of instruction or shortened school days or weeks.

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If your child is not receiving IEP-required education or services because of a staffing shortage, you may wish to file a complaint with the Maryland State Department of Education (MSDE).

## **Sample Maryland State Department of Education IDEA Complaint**

If your child is not receiving IEP-required education or services because of a staffing shortage, you may wish to file a complaint with the Maryland State Department of Education (MSDE). There is a one-year deadline to file complaints with MSDE from the date the violation occurred. Attached is a sample complaint you may use to fill in specific information about your child and file with MSDE. Replace all *[bracketed italic sections]* with specific information about your child. Also attach any supporting documentation, including recent IEPs, progress reports, PWNs, correspondence, etc. The completed complaint should be sent to Marcella Franczkowski via email at [Marcella.franczkowski@maryland.gov](mailto:Marcella.franczkowski@maryland.gov) or via regular mail to:

Marcella Franczkowski  
Assistant Superintendent  
Division of Early Intervention and Special Education Services  
200 West Baltimore Street  
Baltimore, Maryland 21201

Please also send a copy of the complaint to your local special education director (see the list below) and to Disability Rights Maryland at [aartis@disabilityrightsmd.org](mailto:aartis@disabilityrightsmd.org). If you have any questions regarding this process, please contact Susana Barrios at [SusanaB@disabilityrightsmd.org](mailto:SusanaB@disabilityrightsmd.org).

### **Local Special Education Directors**

Allegany County: Debra Metheny: [debra.metheny@acpsmd.org](mailto:debra.metheny@acpsmd.org)  
Anne Arundel County: Diane McGowan and Bobbi Pedrick: [djmcgowan@aacps.org](mailto:djmcgowan@aacps.org)  
[bpedrick@aacps.org](mailto:bpedrick@aacps.org)  
Baltimore City: Debra Brooks: [DBrooks@bcps.k12.md.us](mailto:DBrooks@bcps.k12.md.us)  
Baltimore County: [kpierandozzi@bcps.org](mailto:kpierandozzi@bcps.org)  
Calvert County: Christina Harris: [HarrisC@calvertnet.k12.md.us](mailto:HarrisC@calvertnet.k12.md.us)  
Carroll County: [NRSHOCK@carrollk12.org](mailto:NRSHOCK@carrollk12.org)  
Caroline County: [anthony.elizabeth@ccpsstaff.org](mailto:anthony.elizabeth@ccpsstaff.org)  
Cecil County: Sarah Farr: [sjfarr@ccps.org](mailto:sjfarr@ccps.org)  
Charles County: Dr. Arden Sotomayor: [asotomayor@ccboe.com](mailto:asotomayor@ccboe.com)  
Dorchester County: Kim Waller: [wallerk@dcpsmd.org](mailto:wallerk@dcpsmd.org)  
Frederick County: Dr. Linda Chambers and Troy Keller: [linda.chambers@fcps.org](mailto:linda.chambers@fcps.org)  
[troy.keller@fcps.org](mailto:troy.keller@fcps.org)  
Garrett County: Dr. Chelsie Manges: [Chelsie.manges@garrettcountysschools.org](mailto:Chelsie.manges@garrettcountysschools.org)  
Harford County: Michael Thatcher: [mike.thatcher@hcps.org](mailto:mike.thatcher@hcps.org)  
Howard County: Dr. Terri Savage: [terrell\\_savage@hcps.org](mailto:terrell_savage@hcps.org)  
Kent County: Dr. Wendy Keen: [wkeen@kent.k12.md.us](mailto:wkeen@kent.k12.md.us)  
Montgomery County: Philip A. Lynch: [Philip\\_A\\_Lynch@mcpsmd.org](mailto:Philip_A_Lynch@mcpsmd.org)  
Prince George's County: Trinell Bowman: [trinell.bowman@pgcps.org](mailto:trinell.bowman@pgcps.org)  
Queen Anne's County: Joeleen Smith: [joeleen.smith@qacps.org](mailto:joeleen.smith@qacps.org)  
St. Mary's County: Scott Saszczerbiak: [saszczcerbiak@smcps.org](mailto:saszczcerbiak@smcps.org)  
Somerset County: Brandy Brady: [bbrady@somerset.k12.md.us](mailto:bbrady@somerset.k12.md.us)  
Talbot County: Kristin Mentges: [kmentges@talbotschools.org](mailto:kmentges@talbotschools.org)

Washington County: Dr. Jeffrey Gladhill: [gladhjef@wcps.k12.md.us](mailto:gladhjef@wcps.k12.md.us)

Wicomico County: Bonnie L. Walston: [bwalston@wcboe.org](mailto:bwalston@wcboe.org)

Worcester County: Rae Ann Record: [rnrecord@worcester.k12.org](mailto:rnrecord@worcester.k12.org)

Maryland School for the Blind: Joshua Irzyk: [joshuai@mdschblind.org](mailto:joshuai@mdschblind.org)

Maryland School for the Deaf: Kevin Strachan: [kevin.strachan@msd.edu](mailto:kevin.strachan@msd.edu)

JSES: Lindsey Goodrich: [Lindsey.goodrich@maryland.gov](mailto:Lindsey.goodrich@maryland.gov)

[Date]

Marcella Franczkowski  
Assistant Superintendent  
Division of Early Intervention and Special Education Services  
200 West Baltimore Street  
Baltimore, Maryland 21201  
[Marcella.franczkowski@maryland.gov](mailto:Marcella.franczkowski@maryland.gov)

Re: IDEA Complaint on Behalf of [Student's Name and Date of Birth]

Dear Ms. Franczkowski:

My child, [Student's Name], is a student at [School Name]. Our current address is [Include Child's Address.] [Student's Name] has the disability of [Student's Disability.] This disability affects my child by [explain how it impacts education – review the first page of your child's IEP to help get started]. My child is not receiving a free appropriate public education as required by law because of staffing shortages.

[Check however many are applicable and add the date]

My child is not able to attend school because services my child needs, such as transportation or nursing, are not available right now. [Include date violation began]

[Include an explanation if checked]

My child is receiving only some special education services [Include date violation began].

[Include an explanation of which services are not being provided if checked]

My child is not receiving related services [Include date violation began].

[Include an explanation if checked and explain which services are not being provided]

My child only received some of the related services on the IEP [Include date violation began].

[Include an explanation if checked]

My child's IEP was not implemented from [date to date].

[Include an explanation and explain which services are being only partially provided if checked]

[Use this space to provide further explanation for any of the items checked above. Include information about which services are not being provided because of staffing shortages and

*explain how this affects your child's progress. If your child is excluded entirely from school because of the lack of transportation or nursing, make sure to explain whether your child is receiving any services at all, such as through home and hospital services.]*

I am asking that MSDE find that the Local School System has not been providing my child with a FAPE beginning on \_\_\_\_\_ *[date]*, and that an individualized determination regarding eligibility for compensatory education for *[Student's Name]* must be made when the IEP team has gathered the information and data necessary for making such determination.

Although I appreciate that school systems statewide are struggling to find staff, I know that my child is entitled to FAPE regardless. I file this complaint to bring this issue to your attention and to obtain relief for my child and any others who face the same problem.

Thank you for your consideration.

Sincerely,

*[Parent Name]*  
*[Phone Number]*  
*[Email Address]*

cc: *[Local Special Education Director]*

Disability Rights Maryland