



Karen B. Salmon, Ph.D.
State Superintendent of Schools

February 15, 2019

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Ms. Bobbi Pedrick
Director of Special Education
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, Maryland 21401

RE: XXXXX
Reference: #19-086

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and Special Education Services (MSDE), 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 January 4, 2019, 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 Anne Arundel County Public Schools (AACPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the allegation that the AACPS has not ensured that the student has been consistently provided with the supplementary aids, services and supports such as frequent check-in support, monitoring of his independent work, monitoring of the agenda book and collection of weekly data to be shared with the parents, in accordance with 34 CFR §§ 300.101.

SUMMARY OF FINDINGS AND CONCLUSIONS:

The AACPS staff acknowledge that violations occurred with respect to the allegation and the school system has developed a plan to ensure future compliance with the requirements. The MSDE concurs with the AACPS’s conclusion and appreciates the school system’s responsiveness.

CORRECTIVE ACTIONS/TIMELINES:

Student-Based

The MSDE requires the AACPS to provide documentation by May 1, 2019, that the IEP team has convened, and:

- a. Reviewed the supplementary aids, services and supports to ensure that the student's individual needs in these areas are appropriately addressed; and reviewed and revised the IEP, as appropriate, to ensure that the supplementary aids, services and supports included in the IEP are clearly written so that the complainant and the school staff have the same understanding of their meaning, and
- b. The IEP team must determine the amount and nature of compensatory services or other remedy to redress the violations identified in this investigation, and developed a plan for the provision of the compensatory services within one (1) year of the date of this Letter of Findings.

School-Based

The MSDE accepts the AACPS plan to ensure the future compliance of the XXXXXXXXXXXXXXXX staff with the following:

- a. Professional development to ensure proper procedures are followed when implementing supplementary aids, services and supports as required on IEPs; and;
- b. Ensuring that proper procedures are followed in order to develop clearly written IEPs.

Further, the AACPS will include monthly monitoring of the effectiveness of the steps taken to ensure compliance through the 2018 – 2019 school year. The MSDE requires the AACPS to provide documentation of the results of each monitoring activity as it is taken by the school system.

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

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TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation.

The complainant and the school system maintain the right to request mediation or to file a due process complaint, if they disagree with the identification, evaluation, placement, or provision of a Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or due process.

Sincerely,

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

MEF/sf

c: George Arlotto
Alison Barmat
XXXXXXXXXXXXX
Dori Wilson
Anita Mandis
Sharon Floyd
Nancy Birenbaum