



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

March 21, 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: #19-101

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/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.

ALLEGATIONS:

On January 25, 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 above-referenced student.

The MSDE investigated the following allegations:

1. The AACPS did not follow proper procedures when responding to the complainant’s request for an Individualized Educational Program (IEP) team meeting in Fall 2018, in accordance with 34 CFR §§300.324 and 503.
2. The AACPS has not ensured that the student has been provided with “assignments in writing and an adult aide,” as required by the IEP, in accordance with 34 CFR §§300.101 and .323.

3. The AACPS did not follow proper procedures to ensure the parent's participation at the IEP team meetings held on January 24, 2019, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07D(4)(a).

BACKGROUND:

The student is sixteen (16) years old and is identified as a student with Autism under the IDEA. He attends XXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

ALLEGATIONS #1 AND #3: RESPONDING TO A REQUEST FOR AN IEP TEAM MEETING AND PARENT PARTICIPATION AT THE JANUARY 24, 2019 IEP TEAM MEETING

FINDINGS OF FACTS:

1. There is no documentation that the complainant made a request for an IEP team meeting in the fall of the 2018-2019 school year.
2. There is documentation that the IEP team convened on January 24, 2019, to review and revise the student's IEP, and that the complainant attended the IEP team meeting.

CONCLUSIONS:

Allegation #1: Responding to a Request for an IEP Team Meeting

Based on the Findings of Fact #1, the MSDE finds that there is no documentation that the complainant requested an IEP team meeting in the Fall 2018, in accordance with 34 CFR §§300.324 and 503. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #3: Parent Participation at the IEP Team Meeting held on January 24, 2019

Based on the Finding of Fact #2, the MSDE finds that the complainant attended the IEP team meeting held on January 24, 2019, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07D(4)(a). Therefore, this office does not find that a violation occurred with respect to the allegation.

ALLEGATION #2: THE PROVISION OF SUPPORTS

FINDINGS OF FACTS:

3. The IEP in effect at the beginning of the 2018-2019 school year, required that the student be provided with adult support on a daily basis, in the "general and co-taught classes by a

- special or general education teacher, or an instructional assistant, in order to support him with class participation and collaboration to reduce his anxiety.”
4. On January 24, 2019, the IEP was revised to require that the student be provided with adult support on a “periodical” basis.
 5. There is documentation that the student has been provided with adult support in his general and co-taught education classes by the school staff described in the IEP, during the 2018-2019 school year.
 6. The IEP, dated January 24, 2019, requires that the student be provided with copies of “student/teacher notes to support the student with access to instruction for his review,” on a “periodical” basis.
 7. There is documentation that the student’s teachers were provided with the revised IEP, dated January 24, 2019. There is no information or documentation indicating that the student has required “student/teacher” notes since January 24, 2019; however, there is documentation that a system has been established for teachers to provide the student with notes, electronically, when needed.

CONCLUSIONS:

Based on the Findings of Facts #3 - #5, the MSDE finds that there is documentation that the student has been provided with adult support as required by the IEP, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to this aspect of the allegation.

Based on the Findings of Facts #6 and #7, the MSDE finds that there is documentation that steps have been taken to provide the student with “notes” when required, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with this aspect of the allegation.

TIMELINE:

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. Pending this office’s decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

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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 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 a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.

Assistant State Superintendent

Division of Early Intervention/Special Education Services

MEF:ac

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