



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

April 24, 2020



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

RE: [REDACTED]
Reference: #20-101

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.

ALLEGATION:

On February 26, 2020, the MSDE received a complaint from Ms. [REDACTED] 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 allegation that the AACPS has not ensured that the Individualized Education Program (IEP) has addressed the student’s behavioral needs since September 16, 2019, in accordance with 34 CFR §§300.101 and .324.

BACKGROUND:

The student is seven (7) years old and is identified as a student with Autism under the IDEA. He has an IEP that requires the provision of special education instruction and related services.

On September 16, 2019, the student enrolled in the AACPS. Prior to his enrollment, the student resided and attended school in [REDACTED] and had an IEP that required the provision of special education services ([REDACTED] IEP).

The student is placed at the [REDACTED] where he attended school until a March 16, 2020 Statewide closure of all schools as a result of the national COVID-19 pandemic.

FINDINGS OF FACTS:

1. The [REDACTED] IEP reflects that “if [the student] feels that he does not have your attention or that you have forgotten about him, he will find a way (usually hitting, kicking or pinching either students or staff) to gain adult attention.” The IEP includes an annual goal for the student to refrain from hitting staff and peers. It also requires “adult support to complete tasks and to help prevent physical aggressions towards both staff and students when [the student] is frustrated with a task or situation.”
2. On September 23, 2019, the IEP team reviewed the student’s [REDACTED] IEP, continued the goals and accommodations, and determined comparable services. The team also recommended a comprehensive evaluation to determine eligibility for special education services in Maryland. The complainant granted consent for assessments on October 10, 2019.
3. On December 5, 2019, the IEP team convened to complete the evaluation. The documentation reflects that his teacher reported that the student “at times, demonstrates behavior that is both physical and aggressive (hits peers and /or teachers) and verbally aggressive (yells and screams) when he is frustrated.” Based on the data, the team identified the student as a student with a disability and decided to convene in January 2020 to review the IEP, based on the assessment results.
4. On January 28, 2020, the IEP team revised the annual behavior goal to require that, “given adult support, visual supports and verbal prompting, [the student] will demonstrate safe and appropriate behavior with adults and staff.” The IEP was also revised to include behavioral supports such as, adult support, frequent reminder of rules, and reinforced positive behavior through non-verbal/verbal communication. Based upon the student’s behavior observed by the school staff, the team also recommended that a Functional Behavior Assessment (FBA) be conducted as well.
5. The documentation reflects that the complainant had concerns about who would conduct the FBA and did not provide consent for the FBA to be conducted until February 24, 2020. There is documentation that the school staff has begun collecting data needed for the completion of this assessment.

CONCLUSION:

Based on the Findings of Facts #1 - #5, the MSDE finds that the IEP has addressed the student’s behavioral needs since September 16, 2019, when the student began attending school in the AACPS. Further, based upon Findings of Facts # 4 and #5, the MSDE finds that the school staff

Ms. [REDACTED]
Ms. Bobbi Pedrick
April 24, 2020
Page 3

continue to collect data to ensure that the IEP will continue to address his behavioral needs, in accordance with 34 CFR §§300.101 and .324. Therefore, this office does not find that a violation occurred with respect to 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.

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

c: George Arlotto
Bobbi Pedrick
Alison Barmat
[REDACTED]
Dori Wilson
Anita Mandis
Albert Chichester