



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

May 4, 2018

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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: #18-119

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention 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 March 7, 2018, the MSDE received a complaint from Ms. XXXXXXXXXXXX, 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) and related State requirements with respect to the student.

The MSDE investigated the allegation that the AACPS has not ensured that the student has been provided with transportation services required for a Free Appropriate Public Education (FAPE) since the start of the 2017-2018 school year, in accordance with 34 CFR §§300.17, .101, and .323.

BACKGROUND:

The student is sixteen (16) years old, is identified as a student with Autism under the IDEA, and has an Individualized Education Program (IEP) that requires the provision of special education services. The student attends XXXXXXXXXXXXXXXXXXXX; however, on April 3, 2018, the IEP

team determined that he would receive Home and Hospital Teaching (HHT) services, due to a medical condition.

FINDINGS OF FACTS:

1. Prior to being enrolled in the AACPS, the student was provided with home instruction. Prior to that, the student had an IEP and attended Baltimore City Public Schools (BCPS). That BCPS IEP did not require transportation services.
2. On February 28, 2018, the AACPS IEP team revised the IEP to require that the student be provided with transportation by bus, to and from school, with an aide and a reduced number of students, and with a bus stop as close to his residence as possible.
3. In response to the complainant's concern, expressed to the AACPS Transportation Office, about not being able to get the student to the bus stop safely, the AACPS has been providing transportation for the student to and from school through the use of a taxicab service. However, the complainant has been required to accompany the student in the taxicab.

CONCLUSION:

In this case, the complainant alleges that the bus used to transport the student was a full-sized bus that was not small enough to enter the student's street and that she was unable to safely walk him and his sibling to the bus stop that was located on another street. She further alleges that, prior to the initiation of taxicab services, she paid for private transportation to and from school, and that when she was unable to do so, the student was unable to attend school.

Based on the Findings of Facts #1 - #3, the MSDE finds that the AACPS has not ensured that the student has been provided with transportation services without cost to the complainant since February 28, 2018, in accordance with 34 CFR §§300.17, .101, and .323. Therefore, this office finds that a violation occurred.

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

The MSDE requires the AACPS to provide documentation by the start of the 2018-2019 school year that the IEP team with representation from the AACPS Transportation Office, has convened and, after consultation with Dr. Linda Bluth, Special Initiatives Specialist, MSDE, has developed a plan for how to address the student's transportation needs at no cost to the complainant when he returns to school from HHT services.

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The AACPS must also provide documentation by the start of the 2018-2019 school year that the IEP team has considered the amount of instruction that the student lost during the 2017-2018 school year as a result of lack of transportation. If the number of days missed exceeded ten (10) school days, the team must also determine the compensatory services or other remedy for the loss. If the number of days missed equals ten (10) school days or less, the team must determine whether the loss of the services negatively impacted the student's ability to benefit from the education program, and if so, the compensatory services or other remedy.

The MSDE also requires the AACPS to provide documentation by the end of the 2017-2018 school year that the complainant has been informed of how to request reimbursement from the school system for any expenses incurred in obtaining private transportation for the student during the 2017-2018 school year. The AACPS must provide documentation by the start of the 2018-2019 school year that appropriate steps have been taken to reimburse the complainant for the cost of any expenses for which she has provided proper documentation.

The AACPS must provide documentation, within one (1) year of the date of this Letter of Findings that the student has been provided with the compensatory services or other remedy determined by the IEP team as a result of this investigation, or documentation of the complainant's refusal of such compensatory services or other remedy.

School System-Based

The MSDE requires the AACPS to provide documentation by the start of the 2018-2019 school year of the steps taken to ensure that transportation services are provided to students with disabilities at no cost to parents.

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

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Bluth at (410) 767-7770.

Please be advised that the parties have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the findings of fact or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings. If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary.

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Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions within the timelines reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. 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 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 Special Education/Early Intervention Services

MEF/ac

c: George Arlotto
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