



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

June 10, 2018

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

RE: XXXXX
Reference: #18-165

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 May 23, 2018 the MSDE received correspondence from Ms. XXXXX, 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 provided the student with a Free and Appropriate Public Education (FAPE) since his disciplinary removal from school on March 28, 2018, in accordance with 34 CFR §§ 300.101 and 300.530.

BACKGROUND:

The student is eleven (11) years old is identified, under the IDEA, as a student with an Other Health Impairment due to a diagnosis of Attention Deficit with Hyperactivity Disorder. The student has an IEP that requires the provision of special education instruction and related services and he attends XXXXXXXXXXXXXXXXXXXX.

SUMMARY OF FINDINGS AND CONCLUSIONS:

In its written response, the AACPS acknowledges that a violation has occurred with respect to the allegation. Specifically, the AACPS acknowledges that the student was administratively placed on Home and Hospital Teaching (HHT) as a result of a disciplinary incident. The AACPS also acknowledges that once the student was administratively placed on HHT services, the IEP team failed to convene and determine appropriate services for that setting.

Further, the AACPS acknowledges that the student was removed from school in excess of ten (10) school days during the school year without the provision of the disciplinary protections.

The MSDE concurs with the AACPS' conclusions and appreciates the school system's response to the investigation.

CORRECTIVE ACTION:

The AACPS has proposed to provide the student with compensatory services to remediate the violations. The MSDE requires the AACPS to provide documentation by November 1, 2018, that the AACPS has developed a plan with the complainant for the provision of compensatory services to be provided within one (1) year of the date of this letter.

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.

Please be advised that both the complainant and the AACPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts 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. 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 and conclusions 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.

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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 Special Education/Early Intervention Services

MEF: sf

c: George Arlotto
Bobbi Pedrick
Alison Barmat
Sarah McDonald Egan
Alice Swift
XXXXXXXX
Dori Wilson
Anita Mandis
Sharon Floyd
Nancy Birenbaum