



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

July 2, 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: #19-161

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, 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 May 10, 2019, the MSDE received a complaint from Ms. XXXXXXXXXXXX, hereafter “the complainant,” on behalf of her daughter, 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 following allegations:

1. The AACPS has not ensured that the Individualized Education Program (IEP) team has identified all of the student’s social, emotional and behavioral needs and developed an IEP that addresses those needs, since the start of the 2018 – 2019 school year, in accordance with 34 CFR §§300.101, .320 and .324.
2. The AACPS did not ensure that the Behavior Intervention Plan (BIP) required by the IEP was implemented during the 2018 – 2019 school year, in accordance with 34 CFR §§300.301 and .323
3. The AACPS did not ensure that the student’s IEP was implemented during the 2018 – 2019 school year, in accordance with 34 CFR §§300.301 and .323.

## **BACKGROUND:**

The student is fourteen (14) years old and attended the XXXXXX School during the 2018 - 2019 school year. She is identified as a student with Multiple Disabilities under the IDEA relating to a Specific Learning Disability and an Other Health Impairment due to Attention Deficit Hyperactivity Disorder (ADHD), and has an IEP that requires the provision of special education and related services.

## **ALLEGATIONS #1 AND #2                      ADDRESSING THE STUDENT'S SOCIAL, EMOTIONAL, AND BEHAVIORAL NEEDS AND IMPLEMENTATION OF THE BIP**

### **FINDINGS OF FACTS:**

1. The IEP dated June 6, 2018, in effect at the start of the 2018 - 2019 school year, identifies that the student's disabilities impact her in the areas of reading, math and written language expression, as well as her social/emotional skills and behavior skills. It states that the student "has a documented history of academic frustration from the dyslexia and impulsivity/low frustration tolerance which leads to behaviors such as negative peer interactions (both verbal and physical) and work avoidance behaviors." It also indicates that the student was functioning at the third (3rd) to fifth (5th) grade levels in academics.
2. The IEP description of the student's social/emotional skills functioning states that she transferred from the Seed School<sup>1</sup> in March 2018 where she was "making progress on increasing self-control when experiencing stressors," but also "cutting" classes, arguing with peers, and "insert[ing] herself in situations that did not pertain to her." It also states that, since starting at the XXXXXX School, the student was engaging in verbal conflicts with peers but not "cutting" classes.
3. With respect to the student's behavioral skills, the IEP states that she "can be impulsive and reactive in her interactions with peers and adults," and has had one (1) incident involving a physical altercation with a peer. It also reflects that the student desires to be successful in school, is motivated by earning rewards, and has been seeking adult assistance in an attempt to avoid physical aggression when involved in a peer conflict. The IEP identifies that the student's behavioral functioning is "moderately below age/grade level expectations."
4. The parental input section of the IEP documents the complainant's request for communication with the school staff if the student is not completing work, is receiving failing grades, or "a behavior issue is arising," in order to "work on interventions before issues become severe."

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<sup>1</sup> The Seed School is a Statewide public boarding school for "at risk youth" who because of home and community environments, are subject to disadvantages that make graduation unlikely without special efforts (<https://www.seedschool.org>).

5. The IEP reflects that the student has a Functional Behavior Assessment (FBA) that was completed on June 6, 2018. The FBA includes reports by the student's teachers that she has "mood swings," is "hyperactive," and has "sudden outbursts of anger." They also report that the student engages in classroom disruptions, obscene language, attention-seeking behavior, verbal aggression and insubordination, and has been involved in a fight with a peer. The teachers further report that the student arrives late to class, has a short attention span, does not complete homework and classwork, and refuses to participate.
6. The FBA identifies that the student's behaviors are most likely to occur "anytime," that statements by peers that the student feels are offensive are the antecedent for the behaviors, and that the functions of the behaviors are to gain control/power of a situation. The FBA also notes that the student is receptive to adult support and problem solving.
7. The IEP reflects that the student requires a BIP that was developed on June 6, 2018. The expected outcome of the BIP is for the student to "engage with peers appropriately without engaging in verbal or physical aggression." The BIP requires that the student be provided with several interventions, including having "private conversations" about her behavior, adult assistance for problem solving, praise and positive recognition for positive behavior, the use of a "time-out pass" and "consistent communication with [the] parent."
8. The IEP behavioral goal states that "with adult support as needed, [the student] will use problem solving skills to appropriately resolve peer conflict." The objectives within the goal requires the student to identify the problem, identify at least two (2) possible choices to resolve the problem, identify the possible consequences of each choice, and identify and explain her choice of the best resolution. The goal states that it is achieved if the student receives no referrals for aggression, as evaluated through discipline data.
9. The IEP social/emotional skills goal states that, "across all school settings, [the student] will interact respectfully with adults and peers." The objectives within the goal require the student not to argue or complaint with peers, use feedback to adjust her behavior, seek assistance from identified staff, and not become involved in the conflict of others. The goal states that it is achieved based on 4 out of 5 observations as evaluated by observation record, teacher and counselor reports.
10. The IEP requires weekly counseling sessions by a social worker or a school psychologist. In clarifying this service, the IEP states that the session will be forty-five (45) minutes per week to address social/emotional coping skills.
11. The IEP requires nine (9) hours per week of specialized instruction in a separate special education classroom, and five (5) hours per week of specialized instruction in a general education classroom. In selecting the student's placement, the IEP notes the severity of the student's learning disability and attention deficit, as well as the "behavioral component" of her disability that "more severely" impact her in larger group settings where more peer interactions occur.

12. On October 2, 2018, the IEP team convened to conduct reevaluation planning. The written summary of the meeting documents that the IEP team decided that no assessments were recommended. The IEP team determined the student's continued eligibility, but did not make any revisions or updates to the IEP.
13. At the October 2018 meeting, the IEP team discussed that the student was continuing to make "slow but steady progress" on the IEP goals, as well as expressing her needs and wants and asking good questions during counseling sessions. They also discussed that the student is paying attention, taking notes and completing work in science, and also self advocating by requesting move away from peers who may be a distraction. In math class, she is participating, and has improved with turning in homework after it was explained that it was graded for completion and not on accuracy. The IEP team documented that the student was making effort to earn good grades, and "seems to be in a good place and is comfortable and feels safe in her classes."
14. On October 11, 2018, the school staff sent an electronic mail (email) correspondence to the complainant reporting that the student was playing on her cell phone during science class causing her to miss instruction, and noting concern about "the amount of profanity that she uses." The school staff asked the complainant to talk to the student about the concerns.
15. On October 23, 2018, the school staff sent an email to the complainant as a follow up to a conversation earlier on the same date about her concerns relating to IEP implementation. The school staff reported that, while the IEP requires parent communication "as needed," all of the student's teachers have been informed that they should contact the complainant "whenever there is a problem." The school staff also agreed to send the complainant a grade sheet each Friday.
16. On October 30, 2018, the complainant sent an email to the school staff expressing concern that the student has missing assignments "from almost every class."
17. On October 31, 2019, school staff sent an email to the complainant about the student's use of profanity in math class, and not being in her assigned area.
18. On November 7, 2018, the school staff sent an email informing the complainant about missing science assignments.
19. The student's report card for the first (1st) quarter of the 2018 - 2019 school year documents that she earned As in English/language arts and math, and Cs in science and social studies. The documentation reflects that the student completed all assignments in math and English/language arts. There is no documentation of the student's completion of individual assignments in social studies or science courses.
20. The student's first (1st) quarter report card also documents that she had eight (8) or nine (9) absences in each of her core content area classes during the first (1st) quarter of the 2018 - 2019 school year.

21. On November 16, 2018, the school staff documented that the student's use of her cell phone in math class was distracting her from instruction, and that she was making "off topic comments." On November 19, 2018, the complainant informed the school staff that she put locks on the cell phone, but that the student reports that she uses some of the tools on the phone to assist with some of her classwork. The school staff confirmed that cell phone use is not part of classroom lessons.
22. On November 20, 2018, the student received two (2) days of in-school suspension as a disciplinary measure for uttering profanity to the school staff after she was asked to turn in her cell phone during class. The documentation does not reflect the use of any interventions before the referral was made, but does indicate a "conference" was held with the student following the incident.
23. On November 20, 2018, the school staff documented that the student was making sufficient progress towards mastery of all of the IEP goals. However, the narrative in the progress report on the behavior goal notes that, while the student received a referral, "it was for insubordination, not aggression, so she is meeting her goal." The narrative within the social/emotional skills goal states that the student "has not had any major negative conflict with staff or peers," and has utilized appropriate strategies for self-regulation. The school staff report that the student's progress on the social/emotional skills goal was based only on her performance during counseling sessions.
24. On November 27, 2018, the IEP team convened. The meeting summary documents that the complainant was "seeking more communication" from the school staff when there are issues about the student's behavior, missing assignments and "poor" grades, so that they can be immediately addressed before they "become huge." The complainant expressed concern about the student's writing skills, and that she "will try to cover up her lack of understanding with many excuses to avoid asking for help." The IEP team discussed that the student has access to type assignments with the use of spell check assistance for assignments longer than a paragraph.
25. On November 29, 2018, the school staff sent an email to the complainant concerning two (2) science assignments that the student had not turned in and which were not completed. The also school staff also reported having a "run in" with the student over her use of her cell phone in class.
26. On December 18, 2018, the school staff sent an email to the complaint reporting that the student had not turned in math homework.
27. On January 8 and 9, 2019, the school staff sent emails to the complainant about the student's behavior in math class. The school staff reported that the student was not wearing the proper uniform, despite reminders and warnings, and making rude comments in class, and concern about "her anger getting in the way of her success." The school staff explained that there are times when they have to respond to rude comments that the student makes in the classroom "in the best interest of the class." The complainant

thanked the school staff for informing her about the student's behavior and agreed to address it with her.

28. On January 15, 2019, the student received another disciplinary referral and two (2) days of in-school suspension for inappropriate language following a request to put her cell phone away during class. The documentation reflects that the student yelled obscenities at the school staff. It does not indicate the use of any interventions before the referral was made, but does indicate a conference was held with the student following the incident.
29. On January 28, 2019, the end of the second (2nd) marking period of the 2018 - 2019 school year, the school staff sent an email to the complainant about missing math homework.
30. The student's report card reflects that she earned an A in English/language arts, a B in math, and Cs in her science and social studies courses for the second (2nd) quarter of the 2018 - 2019 school year. The documentation reflects that the student had three (3) incomplete math assignments and no missing assignments in English/language arts class. There is no documentation of her assignments completed in science or social studies classes for the second (2nd) marking period.
31. The student's second (2nd) quarter report card also documents that she had ten to twelve (10 - 12) absences in each of her core content area classes during the second (2nd) quarter of the 2018 - 2019 school year.
32. On January 29 and 30, 2019, the school staff documented that the student was making sufficient progress towards mastery of all the IEP goals. However, the narrative within the progress report on the behavior goal noted, again, that the student received one (1) referral, but "it was for inappropriate language, not aggression." In addition, the narrative within the progress report on the social/emotional skills goal states that, while the student uses appropriate self-regulation strategies during counseling session, she received two (2) days of in school suspension for "disrespect."
33. On February 8, 2019, the school staff sent emails to the complainant reporting that the student had not turned in math homework and was not completing work in her social studies class due to socializing and her cell phone. The complainant requested to meet with the math teacher, as well as the social studies teacher because the student was not completing work.
34. On February 12, 2019, following a parent/teacher conference, the school staff sent an email to the complainant about the student's continued cell phone usage during class, despite reminders.
35. On February 25, 2019, the school staff sent an email informing the complainant that the student did not pass a math test that day.

36. On March 8, 2019, the school staff sent an email to the complainant about incomplete assignments and a low grade in science. The complainant thanked the school staff for the update.<sup>2</sup> On the same date, the school staff also reported that the student did not turn in math homework.
37. There is documentation that, on March 13, 2019, the student was present for in-school suspension. However, there is no documentation of a disciplinary referral for this date.
38. On March 14, 2019, the IEP team convened for the annual review of the student's IEP. The IEP developed at the March 2019 meeting includes the following updated information about the student's behavior and social/emotional skills functioning:
  - "When asked to do challenging work or something she doesn't want to do [the student] often acts impulsively and becomes argumentative with adults without considering the consequences of what she says or does. This can bring her into conflict with her teachers and other staff members. If she is unsuccessful in convincing the adult to see things her way, she may shut down or act out verbally or physically."
  - "At times, her behavior has escalated beyond what can be handled in the classroom."
  - "When she is getting along with the teacher and interested in the subject, [the student will do the work needed in class." She needs to use problem solving skills to appropriately resolve conflict with adults.
  - She "continues to experience some difficulty managing her negative emotions in the classroom setting" and with "disruptive behavior."
  - She requires frequent and/or immediate feedback to build and reinforce positive behavior and relationships with adults, as well as "private conversations and frequent, but gentle, reminders of rules."
39. The IEP team documented that the student "will often disrupt her own learning or the learning of others by acting out verbally or physically if she is unhappy or not getting her way." They also documented that the student's social/emotional functioning involves fluctuation in her mood which impacts her across her day in how she relates to peers and adults," and can be confrontational with others which "sometime" results in her removal from class and missing instruction time. The team further documented that it can take up to thirty (30) minutes for the student to recover "after a set back."
40. At the March 2019 IEP meeting, the complainant expressed concern that teachers were not complying with the BIP requirement that teachers have private conversations with the student to assist with her behavior. The IEP team "explained that teachers receive a copy of the BIP and are reminded to use it." In addition, the complainant expressed concern that the student has difficulty with focus, turning in homework, and that she may not hear

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<sup>2</sup> On March 19, 2019, the school staff confirmed that the student had completed the work.

others speaking to her if she is occupied with a task. The student reported difficulty with focusing in larger classes, especially math.

41. The IEP team revised the BIP to address the student's arguing, insubordination and shutting down behaviors that result from her impulsive reactions in peer and adult interactions. The expected outcome of the BIP states that the student will engage with adults appropriately without engaging in disrespect or insubordination. The BIP was also revised to add two (2) strategies requiring the staff to teach appropriate problem solving strategies during private conversations about the student's behavior, and to encourage and reward the student's use of appropriate language and behavior, and an additional intervention of planned ignoring as appropriate. A "reactive measure" was also added to the BIP requiring the school staff to contact the complainant with information about these types of problems and resolutions that occur during school.
42. The IEP team added supplementary supports requiring daily frequent and/or immediate feedback in all classes to build, reinforce and improve the student/teacher relationship and frequent reminders of rules. They also added periodic private conversations regarding the student's behavior in all classes to identify a problem and possible solutions, and to remind her of behavior expectations before inappropriate behaviors begin.
43. The IEP developed at the March 2019 meeting reflects that the IEP team discontinued the previous supplementary support requiring communication between the school staff and the complainant "as needed" about missed assignments, negative peer interactions and problem solving with the team.
44. At the March 2019 meeting, the IEP team developed a new behavioral goal that requires the student "to use problem solving skills to appropriately solve conflicts with adults."<sup>3</sup> The goal is written to be achieved based on one or fewer disciplinary referrals "per school year." The IEP team continued the social/emotional skills goal that the student did not achieve, but added the support of private discussions about behavior to the goal for her to interact respectfully with adults and peers.
45. The IEP team also decreased the student's counseling sessions from 45 minutes per week to 30 minutes twice a month. The team documented that the basis for this decision was that the student had not received any disciplinary removals from school during the school year.
46. On March 18, 2019, the school staff sent an email to the complainant about the student's cell phone use in art class.

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<sup>3</sup> The school staff documented that the student achieved the previous behavior goal requiring the use of problem solving skills to resolve peer conflicts because she did not have any referrals for aggression towards peers for the school year.



47. During the week of March 18, 2019, the student and the math teacher met with a trained facilitator and had the opportunity to speak about conflict relating to the student's use of profanity. Following the "mediation," the school staff documented that classroom interactions with the student were "much better."
48. On March 28, 2019, the school staff sent an email to the complainant stating that the IEP "snapshot" and the BIP have been given to the student's teachers.
49. Also on March 28, 2019, the school staff sent an email to the complainant suggesting that the student leave her cell phone in the office during the school day due to teacher reports that it is causing her to be distracted and miss instruction.
50. On April 8, 2019, the next to last date of the third (3rd) marking period of the 2018 - 2019 school year, the school staff sent the complainant an email about missing assignments in the student's health living course. The following day, the complainant sent an email to the school staff expressing concern that she had not previously been informed about the missed assignments in this class.
51. The student's third (3rd) quarter report card for the 2018 - 2019 school year reflects that she received an E in her healthy living class, a B in English/language arts, and Cs in math, science and social studies courses. The documentation reflects that the student had five (5) incomplete assignments in her healthy living class and two (2) incomplete math assignments, and no missing English/language arts assignments. There is no documentation of her assignments completed in science or social studies classes for the third (3rd) marking period.
52. The student's third (3rd) quarter report card also documents that she had nine (9) absences in each of her core content area classes during the third (3rd) quarter of the 2018 - 2019 school year. It includes comments by the social studies and health living class instructors that the student's absences affect achievement, she does not make up work, her effort/work are below standard, and that her behavior, participation and work completion need improvement.
53. On April 10, 2019, the school staff sent an email to the complainant about the student's use of her cell phone during math class and suggested that she leave it at home due to the distraction.
54. On April 16, 2019, the school staff sent an email informing the complainant that the student did not pass a math test, noting that she missed the class review time before the test was given because of her counseling session time. The school staff shared that a request had been made for the student to no longer be pulled from her math class for her counseling sessions. The school staff agreed to allow the student to retake the test after working with her a small group.

55. On April 17, 2019, the school staff sent an email to the complainant about the student's cell phone use, reporting that she was not leaving it in the office, and asking that the complainant remind her not to use the phone during class.
56. On April 23, 2019, the school staff sent an email to the complainant documenting that the student was "distancing" herself more in her English/language arts class. The following day, another school staff sent an email to the complainant reporting that the student "has been more and more withdrawn in class over the past couple of weeks," had failed a test, and had not turned in homework in her math class. She also expressed concern about the increase in the student's cell phone usage "because I firmly believe that this attitude is a good part of why she is struggling now" due to being "highly distracted and off-task almost constantly." The school staff asked the complainant to encourage the student to be more attentive.
57. On April 26, 2019, the student was disciplinarily removed from school for five (5) days following a fight with another student that involved "spitting" and required the classroom to be cleared. The documentation does not identify the use of interventions prior to the referral, but does indicate a conference was held with the student following the incident.
58. On May 5, 2019, the complainant sent an email to the school staff indicating that she would keep the student's cell phone at home. However, on May 15, 2019, the school staff informed the complainant that the student was still using her cell phone in the classroom, causing her to be distracted. The school staff requested that the student leave the phone at home or turn it into the office in the mornings.
59. On May 20, 2019, the student received another disciplinary referral and two (2) days of in-school suspension for "creat[ing] a hallway disturbance by yelling and screaming after a student pushed her." The documentation does not reflect the use of interventions prior to the referral, but does indicate a conference was held with the student following the incident.

## **CONCLUSIONS:**

### **Allegation #1 Identifying and Addressing the Student's Social, Emotional, and Behavioral Needs**

Based on the Findings of Facts #1 - #59, the MSDE finds that the AACPS considered the data and addressed the student's identified social, emotional and behavioral needs consistent with the data, in accordance with 34 CFR §§300.101, .320 and .324. Therefore, the MSDE does not find a violation occurred with respect to this allegation.

### **Allegation #2 Implementation of the BIP**

Based on the Findings of Facts #1 - #59, the MSDE finds that, while the student made progress on the annual IEP goals and through the general curriculum, there is no documentation that all of the interventions and teaching strategies required by the BIP were implemented during the

2018 -2019 school year, in accordance with 34 CFR §§300.301 and .323. Therefore, this office finds a violation occurred with respect to this allegation.

**ALLEGATION #3                      IEP IMPLEMENTATION**

**FINDINGS OF FACTS:**

60. There is no documentation that the student’s teachers were provided with a copy of the IEP during the 2018 - 2019 school year until March 28, 2019.
61. The IEP in effect during the 2018 - 2019 school year requires several accommodations during instruction, including a spell check device, graphic organizers, small group testing and opportunities for reteaching in a small group or separate location, frequent breaks and reduced distractions.
62. The IEP also requires supplementary supports including the daily provision of checks for understanding, private feedback about positive and negative behavior, repeated or paraphrased information, and encouragement to ask for assistance. The IEP states that the student “requires teachers to confirm with [her] that she understands what is expected of her to do and complete,” and that “teachers may want to consider a system where she can covertly request help.”
63. In addition, the IEP requires the periodic provision of supplementary supports, including the use of a time out “chill” pass that allows the student to remove herself from “a potential conflict” by going to the counseling office for ten (10) minutes, a proofreading checklist, highlighters, and manipulatives.
64. The IEP further requires a supplementary support that allows the student to type “all responses longer than a paragraph.” In clarifying this support, the IEP states that the student requires the use of a laptop to type such responses in order to see her errors through the word processing program.
65. The IEP also includes a supplementary support requiring communication between the school staff and the complainant on an “as needed” basis. In clarifying this support, the IEP states that the school staff need to communicate with the complainant “when there are missed assignments, negative peer interactions, etc.” in order “to problem solve with the teaching team before issues become a major problem.”
66. There is documentation that the student was provided with some of the accommodations and supplementary supports required by the IEP, including the use of a laptop computer for written assignments, and that the school staff regularly notified the complainant about the student’s missing class assignments, with the exception of the assignments in the healthy living class. However, there is no documentation that the student was provided with all of the accommodations and supplementary supports during the 2018 - 2019 school year that were required by the IEP.

67. The student's report card for the 2018 - 2019 school year documents that she made progress through the general curriculum, and the IEP progress reports document that she made sufficient progress towards mastery of all of the annual goals during the 2018 - 2019 school year.

### **CONCLUSION:**

Based on the Findings of Facts #60 - #67, the MSDE finds that, while there is documentation that the student made progress on the annual IEP goals and through the general curriculum, there is no documentation that the student was provided with all of the accommodations and supplementary supports required by the IEP during the 2018 - 2019 school year, in accordance with 34 CFR §§300.301 and .323. Therefore, this office finds a violation occurred with respect to this allegation.

### **CORRECTIVE ACTION/TIMELINES:**

#### **Student-Specific**

The MSDE requires the AACPS to provide documentation by November 15, 2019, that the IEP team has convened and reviewed a written report including information by each core content area teacher on the specific negative behaviors that the student demonstrated during the first (1st) quarter of the 2019 - 2020 school year. This report must be provided to the IEP team at least five (5) business days before the meeting.

Based on this information and any other behavior data, including disciplinary referrals, the IEP team must develop a plan identifying specific positive behavior interventions to address those behaviors and a data collection system to measure the effectiveness of the interventions. The MSDE also requires that, following the IEP meeting, the AACPS provide the complainant with a written explanation of the data collected on the student's behavior each week until the team reconvenes to review the effectiveness of the interventions.

The MSDE also requires the AACPS to provide documentation by February 1, 2020, that the IEP team has reviewed the effectiveness of the positive behavior interventions, and revised the IEP and BIP, as appropriate, consistent with the data.

#### **School-Based**

The MSDE requires the AACPS to provide documentation by October 1, 2019, of the steps it has taken to ensure that the XXXXXX School staff comply with the IDEA requirements relating to the violations identified in this Letter of Findings.

The documentation must include a description of how the school system will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not reoccur.

Ms. XXXXXX  
Ms. Bobbi Pedrick  
July 2, 2019  
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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.

**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. 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.

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 a due process complaint.

Sincerely,

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

MEF/ksa

c: George Arlotto  
Bobbi Pedrick  
Alison Barmat  
XXXXXXXXX  
Dori Wilson  
Anita Mandis  
K. Sabrina Austin  
Nancy Birenbaum