

March 3, 2025



Ms. Sonya McElroy
Director of Birth to 5 Programming and Service Accountability
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, Maryland 21401

Ms. Diane McGowan
Director, Specially Designed Instruction and Compliance
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, Maryland 21401

RE: [REDACTED]
Reference: #25-215

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 on the final results of the investigation.

ALLEGATION:

On January 13, 2025, MSDE received a complaint from [REDACTED], hereafter, “the complainant,” on behalf of 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) concerning the above-referenced student.

MSDE investigated the following allegation that the AACPS has not ensured that the student has been consistently provided with transportation as required by the Individualized Education Program (IEP) on August 28, and August 29, 2024, and January 9, and January 10, 2025, as a result, did not ensure that the student’s special education instruction and related services were implemented on those days, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is five years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The student's IEP in effect on August 28, and August 29, 2024, was developed on September 12, 2024.

The IEP requires:

- 11 hours and 15 minutes weekly of special education instruction outside the general education classroom;
- 30 minutes weekly of physical therapy outside the general education classroom;
- Two sessions of 30 minutes of speech-language services outside the general education classroom; and
- Transportation.

2. The student's IEP in effect on January 9, and January 10, 2025, was developed on October 10, 2024.

The IEP requires:

- Periodic occupational therapy consults;
- 10 hours and 45 minutes weekly of special education instruction outside the general education classroom;
- One hour weekly of special education instruction inside the general education classroom;
- One session of 15 minutes of physical therapy outside the general education classroom;
- One session of 30 minutes weekly of speech-language services outside the general education classroom; and
- Transportation.

3. There is documentation that the student was absent on August 28, and August 29, 2024, and January 9, and January 10, 2025, due to the lack of transportation.
4. On February 12, 2025, the IEP team convened to discuss compensatory services due to the student experiencing transportation issues. The prior written notice (PWN) generated following the IEP team meeting reflects "compensatory services were discussed due to 4 days missed due to transportation." In addition, it is reflected that:
 - The student missed four days of school;
 - Occupational therapy consult was given within the established timeline, despite the missed days;
 - Speech-language sessions were not missed in August;
 - Speech-language sessions missed in January were made up; and
 - Physical therapy service sessions were not missed.

The IEP team agreed to provide compensatory services for missed special education instruction.

CONCLUSION:

Based on Findings of Fact #1 through #4, MSDE finds that the AACPS has not ensured that the student has been consistently provided with the transportation as required by the IEP on August 28, and August 29, 2024, and January 9, and January 10, 2025, as a result, did not ensure that the student's special education instruction was implemented on those days, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #4, MSDE finds that the AACPS convened an IEP team meeting on February 12, 2025, and determined compensatory services. Therefore, no further corrective action is required.

TIMELINES:

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 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 why the documentation was not made available during the investigation. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email Tracy.Givens@maryland.gov.

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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/sd

c: Dr. Mark Bedell, Superintendent, AACPS
Mary Tillar, Assistant Superintendent of Specialized Instruction and Early Intervention, AACPS
Jennifer Brown, Program Manager of Compliance and Legal Issues, AACPS
[REDACTED], Principal, [REDACTED] School, AACPS
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE