


April 7, 2025




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

RE: 
Reference: #25-254

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.

ALLEGATIONS:

On February 10, 2025, MSDE received a complaint from , 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 allegations:

1. The AACPS did not ensure that the student was comprehensively assessed in all areas of need when reevaluating the student to determine if the student is a student with a disability requiring special education instruction since December 2024, in accordance with 34 CFR §§ 300.303-.311 and COMAR 13A.05.01.06. Specifically, the complainant alleges that the student was not comprehensively assessed in all areas of need, including social-emotional and speech-language pragmatics.
2. The AACPS did not follow proper procedures in responding to a request for a social-emotional and speech-language pragmatics evaluation since December 2024, in accordance with 34 CFR §§ 300.303 -.311 and .503.
3. The AACPS has not ensured that the IEP team addressed the parent’s concerns regarding the student’s need for social-emotional and self-advocacy goals since February 2024, in accordance with 34 CFR § 300.324.

BACKGROUND:

The student is 17 years old and is identified as a student with autism under the IDEA. He attends [REDACTED] School and has an Individualized Education Plan (IEP) that requires the support of a 504 plan¹.

FINDINGS OF FACT:

1. On February 15, 2024, the IEP team convened to conduct an annual review. The prior written notice (PWN) generated after the meeting reflects that the complainant requested goals in the area of social-emotional. The PWN further reflects that the IEP team did not agree to the inclusion of social-emotional goals to the IEP. However, the team stated that the student's social-emotional needs would be addressed through social skills training and psychological consultation services.
2. The student's IEP in effect in February 2024, was developed on February 15, 2024. The IEP reflects written expression and social-emotional as areas impacted by the disability.
3. On November 22, 2024, the IEP team convened to review existing data, develop a reevaluation plan, and consider the need for transition services. The PWN generated after the meeting reflects that the IEP team agreed to conduct assessments in the areas of "cognitive processing and all academics."

The Student Evaluation Plan developed reflects the student needs assessments in the areas of cognitive ability, basic reading skills, reading comprehension, math calculation, math reasoning, written expression, reading fluency, and math fluency. The Student Evaluation Plan further reflects that the student did not need assessments in the areas of social-emotional and speech-language pragmatics.

On November 25, 2024, the complainant gave consent for assessments.

4. The December 9, 2024, Academic Assessment Report reflects the student's reading was in the average range, reading comprehension was in the high average range, math calculation was in the average range, math problem solving was in the superior range, and written language was in the average range.
5. The December 10, 2024, Psychological Assessment Report reflects that the student's "cognitive abilities were assessed through use of the Differential Ability Scales- second edition (DAS-2). [The student] earned a General Conceptual Ability score of 131, which places him in the Very High range. His Nonverbal Reasoning and Spatial ability scores were considered to be in the Very High and High ranges respectively. [The student's] Verbal cluster score was in the Average range and would not be a hinderance to his learning potential." The report further reflects that the student would continue to benefit from the provision of accommodations.

¹ "Section 504" refers to Section 504 of the Rehabilitation Act of 1973, which requires public agencies to ensure that students with disabilities receive accommodations and modifications to support their learning needs.

6. On December 19, 2024, prior to the IEP team meeting the student emailed the AACPS. The email reflects the student expressed concerns with his transition goals, including education, employment, independent living, and his social-emotional goals. The student requested help from the special education teachers during his classes.
7. On December 19, 2024, the IEP team convened to review assessment “information and determine if an educational disability exists, and if so, whether the student requires specialized instruction.” The PWN generated after the meeting reflects the IEP team determined the student meets the eligibility criteria for autism, however, the student does not require specialized instruction. The IEP team noted that the student benefits from accessing accommodations and supports that can be fulfilled with a 504 plan.

In addition, the PWN reflects that:

“[the complainant] was not in complete agreement with dismissing from special education services. [The complainant] requested additional testing in social/emotional and pragmatics. Information regarding [the student’s] social and emotional needs at school have been well documented over his past school years. During his last annual IEP, social/emotional functioning was assessed through counseling progress, observations, and teacher survey reports which provided justification for the removal of a social/emotional goal and were shared with [the complainant] in February 2024. [The student] has continued to participate in social skills groups since the removal of his social/emotional goal last school year, which provides adequate support for his social needs. Social skills support was included as a recommendation in the recently completed psychological evaluation report and [the student] should continue with his social skills group even after moving on from an IEP. [The student] completed a communication assessment in 2021. According to this assessment, [the student] demonstrates strong communication skills across school settings. He participates frequently in class, asking questions for clarification and expressing his thoughts effectively. During classroom observations this school year, it was observed that [the student] used language skills to ask questions and advocate for his learning needs on a consistent basis. Communication deficits are not impacting [the student’s] ability to access learning.”

While the PWN does not directly reflect the IEP team addressing the student’s concerns raised in his email earlier in the day, the PWN does reflect that the IEP team discussed the students social-emotional and self-advocacy skills, and that the complainant and student attended the IEP team meeting.

8. The December 19, 2024, Comprehensive Evaluation Report reflects that the student no longer meets eligibility requirements for special education services and would be dismissed from all services.

While it is further reflected that on January 2, 2025, the complainant signed the Comprehensive Evaluation Report and indicated her disagreement, there is no documentation that the complainant submitted a “signed/dated statement summarizing reasons for disagreement” as the report requests.

9. On February 11, 2025, a 504 Plan was developed for the student.
10. There is no documentation to support the allegation that the complainant requested an evaluation in speech-language pragmatics since February 2024.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1

PROPER PROCEDURES FOR CONDUCTING A REEVALUATION OF THE STUDENT

In this case, the complainant specifically, alleged that the student was not comprehensively assessed in all areas of need, including social-emotional and speech-language pragmatics. There is documentation that the IEP team determined that there was not a need to assess in social-emotional due to assessments and discussions that took place at the February 15, 2024, IEP team meeting. There is no documentation that the student had speech-language pragmatics needs, therefore, triggering the discussion to determine if this was an area that required assessments.

Based on Findings of Fact #1 through #5, and #7 through #9, MSDE finds that the AACPS did ensure that the student was comprehensively assessed in all areas of need when reevaluating the student to determine if the student is a student with a disability requiring special education instruction since December 2024, in accordance with 34 CFR §§ 300.303-.311 and COMAR 13A.05.01.06. Therefore, MSDE does not find a violation.

ALLEGATION #2

RESPONDING TO A REQUEST TO EVALUATE THE STUDENT

In this case, there is no documentation that the complainant made a request for a speech-language pragmatics evaluation since December 2024.

Based on Finding of Fact #10, MSDE finds the AACPS was not required to respond to a request for a speech-language pragmatics evaluation since December 2024, in accordance with 34 CFR §§ 300.303 - .311 and .503. Therefore, MSDE does not find a violation.

Based on Finding of Fact #7, MSDE finds that the AACPS did follow proper procedures in responding to a request for a social-emotional evaluation since December 2024, in accordance with 34 CFR §§ 300.303 - .311 and .503. Therefore, MSDE does not find a violation.

ALLEGATION #3

ADDRESSING PARENT AND STUDENT'S CONCERNS

Based on Findings of Fact #6 and #7, MSDE finds that the AACPS has ensured that the IEP team addressed the parent's and student's concerns regarding the student's need for social-emotional and self-advocacy goals since February 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

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 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: Mark T. Bedel, Superintendent, 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