

May 20, 2025



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

RE: [REDACTED]
Reference: #25-301

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education, 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 March 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 Anne Arundel County Public Schools (AACPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The AACPS has not ensured that the student has consistently received the special education instruction required by the Individualized Education Program (IEP) since the start of the 2024–2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, you allege the following:
 - a. The student has not been provided with the opportunity to participate in lunch with his nondisabled peers; and
 - b. The student has not been provided with the required hours of direct services while participating in the [REDACTED] Program.
2. The AACPS has not ensured that students who participate in the [REDACTED] Program have consistently received the special education instruction required by their Individualized Education Programs (IEPs) since the start of the 2024–2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, you allege the following:

- a. The students have not been provided with the opportunity to participate in lunch with their nondisabled peers due to the new “block schedule”; and
- b. The students have not been provided with the required hours of direct services while participating in the [REDACTED] Program.

BACKGROUND:

The student is 19 years old and is identified as a student with Multiple Disabilities (Other Health Impairment and Visual Impairment) under the IDEA. The student attends [REDACTED] ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

ALLEGATION #1

PROVISION OF SPECIAL EDUCATION SERVICES

1. The IEP in effect at the start of the 2024-2025 school year was developed on June 4, 2024. The IEP reflects cognitive/Intellectual, fine/motor, sensorimotor, adaptive skills, vision, gross motor, orientation and mobility, feeding and swallowing, adapted physical education, reading-vocabulary, reading- comprehension, math problem solving, written expression, learning behaviors, health/physical status, reading- fluency, social programmatic language, expressive/ receptive language are areas impacted by the student’s disability. In addition, the IEP reflects that the student participates in Alternate Framework and will receive a Maryland High School Certificate of Program Completion on graduation.
2. The student’s June 4, 2024, IEP requires the student to be provided with:
 - Two hours per month of specialized instruction within the general education setting to support participation in community-based instruction.
 - Three two-hour sessions per week of vocational instruction within the general education setting at a non-paid Enclave¹ job site to support his vocational goals and objectives.
 - Ten hours per week of specially designed instruction outside the general education classroom to address reading, written expression, math, and learning behavior goals and objectives.
 - Thirty minutes per month of vision instruction outside the general education classroom to support his vision-related IEP goal.
 - Thirty minutes per quarter of speech and language services within the general education classroom or job site to provide both consultative and direct services.
 - Thirty minutes per week of speech and language services outside the general education classroom to address pragmatic as well as expressive and receptive language needs in a 1:1 or small group setting.
 - One hour per month of orientation and mobility training within the general education classroom to address orientation and mobility goals and objectives.

¹ The [REDACTED] training program is for students participating in the Alternate Curriculum class. It is an on or off site transitional training to develop job skills.

- Thirty minutes per month of orientation and mobility training outside the general education classroom to address orientation and mobility IEP goals.
 - Thirty minutes per month of occupational therapy outside the general education classroom to support fine motor, visual motor, and sensorimotor needs in the school setting during [REDACTED] and community outings.
3. The June 4, 2024, IEP Least Restrictive Environment (LRE) reflects that the student requires special education placement inside general education between 40-79% of the school day. The IEP does not reflect that the student requires specialized instruction during lunchtime or specify that the student must be included with his peers during lunchtime as a part of his LRE.

The IEP reflects that, in order for the student to progress with the curriculum, he requires specialized instruction in reading, math, and written expression that cannot be delivered in the general education setting.

4. During the first semester of the 2024–2025 school year, the student was scheduled to participate in the [REDACTED] Program, with an off-site job placement at Walmart from Tuesday through Thursday, 10:30 a.m. to 12:30 p.m.
5. During the first semester of the 2024–2025 school year, the student’s lunch period was from 12:59 p.m. to 1:24 p.m., Tuesday through Thursday, with his non-disabled peers.
6. The student’s last day at his off-site job placement at Walmart was November 14, 2024, due to illness. On November 18, 2024, the student transitioned to an on-site job placement at [REDACTED].
7. On January 30, 2025², [REDACTED] transitioned to AACPS' new bell schedule, with lunchtime designated as “Blue Block” from 11:23 to 11:53 and “Gold Block” from 11:58 am to 12:28 pm.
8. During the second semester, the student continued participating in the [REDACTED] Program at [REDACTED], where he works from 9:58 a.m. to 11:53 a.m. The student receives lunch during the 'Gold Block,' from 12:10 p.m. to 12:28 p.m., with his non-disabled peers.
9. On February 18, 2025, the IEP team convened to review and revise the student’s IEP, as appropriate, and to address the complainant’s concern regarding the “new Falcon 60 schedule” and its impact on the student’s opportunity to be in the general education setting with his peers. The Prior Written Notice (PWN) generated after the meeting reflects that the Falcon 60 schedule would not be changed. It also notes that the Director of Specialized Programming is working with administrators to resolve the issue. Additionally, the IEP team developed a schedule that allows the student to participate in lunch with his non-disabled peers during the second semester and affirmed that this arrangement meets the requirements student’s IEP. However, the complainant expressed concern about how the student may be affected in the next school year when he returns to a community-based job placement.

² The second semester started on January 22, 2025.

10. The student's schedule reflects that he participates in unified physical education and unified art with his non-disabled peers on Tuesdays through Thursdays. In addition, the student participates in additional activities held throughout the school year, such as "Best Buddies" one time per month and school assemblies such as "Rock and Roll Revival" with his non-disabled peers. In addition, when the student participates in [REDACTED] and community-based activities he participates in a general education setting. His current schedule meets the LRE requirements of his IEP.
11. The student's report of progress through the AACPS Division of Special Education Community Vocational Program dated March 27, 2025, reflects that the student is "making progress" and or has achieved his vocational IEP objectives.

DISCUSSION AND CONCLUSION:

In this case, the complainant alleges that the student was denied FAPE by being unable to participate in lunch with his non-disabled peers due to the new bell schedule implemented at SPMS between January 30, 2024, and February 18, 2025. In addition, the complainant asserts that the new bell schedule poses an ongoing impediment to FAPE for the 2025–2026 school year, when the student is likely to have an off-site job assignment in the community.

The complainant also alleges that the student was not provided with the required hours of direct services while participating in the [REDACTED] Program.

Inclusion opportunities

The student's IEP designates specific times for support within the general education setting but does not explicitly require participation with non-disabled peers during lunch. Additionally, the student has multiple opportunities throughout the school day, week, and year to engage with his non-disabled peers in various instructional and non-instructional settings, consistent with the intent of inclusion and access to the general education environment.

Based on Findings of Fact #1 through #10, MSDE finds that the AACPS has ensured that the student has consistently received the special education instruction required by the IEP since the start of the 2024–2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the student has been provided with the opportunity to participate in lunch with his nondisabled peers. Therefore, MSDE does not find a violation.

Provision of special education services

Based on Findings of Fact #2, #4, #6, #8, #11, and #15, MSDE finds that the AACPS has not ensured that the student has consistently received the special education instruction required by the Individualized Education Program (IEP) since the start of the 2024–2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the student has not been provided with the required hours of direct services while participating in the [REDACTED]. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #6, the student transitioned to an on-site job placement at [REDACTED] on November 18, 2024, due to illness, where he received his required hours of direct services, specifically from January 30, 2025, to February 18, 2025. However, had the student not been ill, he would not have received the full hours of support provided through this off-site placement, as noted in Finding of Fact #15. No further student-specific corrective action is required because the student was provided [REDACTED] services in his school and did not miss time.

FINDINGS OF FACT:

ALLEGATION #2

SYSTEMIC PROVISION OF SPECIAL EDUCATION SERVICES

12. The students who participate in the [REDACTED] Program within AACPS are provided transportation by the AACPS Department of Transportation to their off-site job placements from 10:30 a.m. to 1:30 p.m.
13. Students who participate in the [REDACTED] Program within AACPS are scheduled to attend the program from 11:00 a.m. to 1:00 p.m. However, there is documentation reflecting that various schools participate at different times within that timeframe.
14. The students who participate in the [REDACTED] Program within AACPS attend the program for two hours a day, Tuesday through Thursday.
15. There is documentation reflecting that some students in various schools, including [REDACTED], who participate in the [REDACTED] Program throughout AACPS do not receive the required two hours at their designated job site due to their transportation schedule.
16. AACPS maintains that the transportation timeframe for students participating in the [REDACTED] Program cannot be adjusted to a later time due to time conflicts, as the same buses are used for end-of-day dismissal across all public schools in AACPS.
17. There is documentation that reflects that students in various schools who participate in the [REDACTED] Program throughout AACPS do not have the opportunity to eat lunch with their non-disabled peers due to the timeframes in which they are required to be at their job sites³, the time transportation is provided throughout the county, and the lunch periods scheduled across the county at the high schools.
18. There is documentation that some students who participate in the [REDACTED] Program in AACPS also take part in additional inclusion activities throughout the school year, such as “Best Buddies”, “Peer Mentoring”, “Unified Specials Classes”, “Reverse Inclusion⁴”, and clubs.
19. There is documentation that multiple high schools in AACPS increased the number of Unified classes offered to all students for the 2024–2025 school year.

³ There are schools within AACPS that eat lunch at their jobsite.

⁴ General education students come to the ACC classroom to participate in activities.

CONCLUSION:

In this case, the complaint alleges that AACPS developed and implemented a new high school bell schedule for the 2024–2025 school year that denies FAPE to students who participate in the [REDACTED] Program, by limiting their access to the general education setting and reducing interaction with their non-disabled peers during lunchtime due to the schedule and the timing of their off-site job assignments.

The complainant also alleges that students who participate in the [REDACTED] Program do not receive their full two hours of direct services on Tuesdays through Thursdays while at their job sites due to the transportation schedule.

Inclusion opportunities

Although there is documentation indicating that students in various schools who participate in the [REDACTED] Program do not have the opportunity to eat lunch with their non-disabled peers, these students are afforded other opportunities throughout the day, week, and school year to engage in various activities with their non-disabled peers within the general education setting.

Based on Findings of Fact #14, #17 through #19, MSDE finds that the AACPS has not ensured that students who participate in the [REDACTED] Program have consistently received the special education instruction required by their IEPs since the start of the 2024–2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the students have not been provided with the opportunity to participate in lunch with their nondisabled peers due to the new “block schedule”. However, based on Findings of Fact #19 and #20, there are other opportunities throughout the school year in which the student can engage with their non-disabled peers inside the general education setting. Therefore, MSDE does not find a violation at [REDACTED] as no students in that location had an IEP requiring inclusion opportunities specifically during lunch.

Provision of special education services

Based on Findings of Fact #12 through #16, MSDE find the AACPS has not ensured that students who participate in the [REDACTED] Program have consistently received the special education instruction required by their IEPs since the start of the 2024–2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the students have not been provided with the required hours of direct services while participating in the [REDACTED] Program. Therefore, MSDE finds a violation.

CORRECTIVE ACTION AND TIMELINE:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR § 300.152). Accordingly, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner⁵. This office will follow up with the public agency to ensure that it completes the required actions consistent with MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action⁶. Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

System-Based

MSDE requires the AACPS to provide documentation by August 10, 2025, of the steps taken to ensure that the violation does not recur within AACPS:

- a. Conduct an audit to determine which students in AACPS high schools who participate in the [REDACTED] Program have missed vocational training hours required by their IEPs. In consultation with the families, determine and provide appropriate compensatory services for students who missed direct services during the 2024–2025 school year.
- b. Issue a letter to families of students in the [REDACTED] Program explaining the findings from MSDE, the compensatory services awards, and how families can request IEP team meetings if they have concerns.
- c. Determine whether the IEP for any students participating in the [REDACTED] program include participation in lunch as part of their instruction or LRE, and if so, in consultation with the student's family, propose compensatory services to address any lapse in services.

The AACPS must ensure that the parents are provided with written notice of the team's decisions. The parents maintain the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

- d. Conduct a joint review with the Department of Transportation to identify time conflicts that impact students' ability to receive the full two-hour [REDACTED] service block. Propose viable transportation solutions (e.g., staggered drop-off/pick-up windows, shared routes, or van rental) and prepare for implementation beginning in the 2025–2026 school year. Adjust jobsite schedules where feasible to prevent loss of services or peer interaction.

⁵ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

⁶ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

- e. Conduct a systemwide audit of [REDACTED] Program scheduling across all participating schools and create written procedures to prevent conflicts between jobsite placements for future school years.

Monitoring

The AACPS will implement a quarterly monitoring protocol for schools with [REDACTED] Programs to verify full implementation of vocational instruction service hours. Three randomly selected records from students participating in the [REDACTED] Program from each AACPS high school will be submitted to MSDE on or before January 1, 2026, reflecting compliance with the students' IEPs. Full compliance is required.

As of the date of this correspondence this Letter of Findings is considered final unless one of the parties requests a reconsideration. Requests for reconsideration must be received by this office within fifteen days of the date that the Letter of Findings is issued. However, 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, or there was a clear mistake of law in the findings. 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. Requests for reconsideration should be sent directly to Tracy Givens, Section Chief, Dispute Resolution at Tracy.Givens@maryland.gov. There are no timelines to receive a finding after a request for reconsideration. 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 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 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 Special Education

ALH/sj

- c: Mark T. Bedel, Superintendent, AACPS
Sonya McElroy, Director, Birth-5 Programs, Special Services and Nonpublic Placement, AACPS
Diane McGowan, Director, Specially Designed Instruction and Compliance, AACPS
Jennifer Brown, Program Manager of Compliance and Legal Issues, AACPS
[REDACTED], [REDACTED], Principal, AACPS
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Director, Accountability and Data, MSDE
Alison Barnat, Director, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Stephanie James, Complaint Investigator, MSDE