



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

---

July 12, 2017

XXX  
XXX  
XXX

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

RE: XXXXX  
Reference: #18-158

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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 15, 2018, 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 above-referenced student.

The MSDE investigated the following allegations:

1. The AACPS did not ensure that the student was provided with the services required by the Individualized Educational Program (IEP), since May 15, 2017<sup>1</sup>, while the student was identified as a student with a disability, in accordance with 34 CFR §§300.101 and .323.

---

<sup>1</sup> While the allegation covered a longer time period, the complaint was informed, in writing, that only those violations of the IDEA that are alleged to have occurred within one year of the filing of a state complaint may be addressed through the State complaint procedure (34 CFR §300.153)

2. The AACPS should have suspected, since July 2017<sup>2</sup>, after the student was no longer identified a student with a disability, that the student is a student with a disability, and conducted an evaluation under the IDEA, in accordance with 34 CFR §300.111 and COMAR 13A.05.01.06.

### **BACKGROUND:**

The student is ten years old and attends XXXXXXXXXXXXXXXX. She is not currently identified as a student with a disability under the IDEA. Prior to July 2017, she was identified as a student with a Specific Learning Disability, under the IDEA, and had an IEP requiring special education services.

### **FINDINGS OF FACTS:**

1. The IEP in effect at the start of this investigation identified needs in reading and written expression and contained goals in each area of need. The IEP required that the student receive two hours and thirty minutes (2.5 hours) of special education instruction per week in the general education setting.
2. On April 26, 2017, the IEP team, including the student's father, met to conduct an annual review for the student. The team indicated they believed that the student no longer qualifies as a student with a disability. However, the team agreed to reconvene to discuss the matter with both of the student's parents prior to making a final decision regarding eligibility.
3. On May 25, 2017, the IEP team met again, and recommended a psychological and educational assessment be conducted.
4. There is no documentation that the student's IEP was implemented between May 15, 2017 and the end of the 2016-2017 school year.
5. On July 15, 2017, the IEP team met to review the assessment data and determine the student's eligibility under the IDEA. The progress reports completed for the student indicated that she had achieved both her goals in reading and written language. The educational assessment completed for the student indicated that the student's reading and written expression skills were at grade level and corresponded to her intellectual functioning.
6. Based on the progress reports, informal assessments, and data from the psychological and education assessments, the team determined that the student no longer qualifies as a student with a disability, under the IDEA, and referred the student to the 504 Team<sup>3</sup> to determine

---

<sup>2</sup> While initially identified as June 2017, during the course of the investigation it was determined that this allegation began in July 2017.

<sup>3</sup> 504 Plans developed under Section 504 of the Rehabilitation Act of 1973 are designed for students requiring the support of accommodations, but who do not require special education.

XXX

Ms. Bobbi Pedrick

July 21, 2018

Page 3

what classroom supports might assist the student. A 504 Plan was developed for the student at the beginning of the 2017-2018 school year.

7. Throughout the 2017-2018 school year, the informal assessments conducted and the student's report card grades reflect that the student remained at or above grade level in reading and demonstrated grade level skills in all areas.
8. There is no documentation that the student's parents requested an IDEA evaluation for the student following the July 2017 IEP team meeting.

### **DISCUSSION/CONCLUSIONS:**

#### **Allegation #1: IEP Implementation**

In this case, the complainant alleges that the student's IEP was not implemented following the April 2017 IEP team meeting. Based on Findings of Facts #1 and #3, the MSDE finds that there is no documentation that the student was provided with the services required by her IEP between May 15, 2017 and the end of the 2016-2017 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this allegation.

Notwithstanding that violation, the MSDE further finds, based on Findings of Facts #5 - #7 that the violation did not have a negative impact on the student's ability to benefit from the educational program. Therefore, the MSDE finds that no corrective action is necessary.

#### **Allegation #2: Child Find**

In this case, the complainant alleges that the AACPS should have suspected that the student was a student with a disability and conducted an IDEA evaluation for the student. Based on Findings of Facts #2-#3 and #5-#8, the MSDE finds that there was no basis, since July 2017, to suspect that the student was a eligible under the IDEA, in accordance with 34 CFR §300.111 and COMAR 13A.05.01.06. Therefore, this office does not find that a violation occurred with respect to this allegation.

### **TIMELINE:**

Please be advised that the AACPS and the complainant have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the findings of fact 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

XXX

Ms. Bobbi Pedrick

July 21, 2018

Page 4

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, conclusions and corrective actions contained in this letter should be addressed to this office in writing. 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 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 due process.

Sincerely,

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

MEF:gl

c: George Arlotto  
Alison Barmat  
XXXXXXXXX  
Marcella E. Franczkowski  
Anita Mandis  
Gerald Loiacono