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November 22, 2017

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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: #18-038

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE), 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.

**ALLEGATION:**

On November 6, 2017, the MSDE received a complaint from Mr. XXXXXXXXXXXX, hereafter, “the complainant,” on behalf of his son, 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 allegation that the AACPS has not ensured that access has been provided to the student’s educational record in response to a request made on June 8, 2017, in accordance with 34 CFR §300.613.

**BACKGROUND:**

The student is 13 years old and is identified as a student with an Other Health Impairment under the IDEA due to an Attention Deficit Hyperactivity Disorder-Combined Type, Developmental Coordination Disorder (Dysgraphia), Anxiety Disorder, and a Pervasive Developmental Disorder. He attends XXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

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**FINDINGS OF FACTS:**

1. There is documentation that on June 8, 2017, the complainant contacted the school staff by electronic mail (email) to request a copy of the classroom-based assessment, and an explanation of the results, that was used to develop the student's Present Levels of Performance in reading on the June 6, 2017 IEP.
2. On October 12, 2017, the school staff responded to the complainant, informing him that he should schedule a meeting with the school staff to review and discuss the classroom-based assessment. There is no documentation that the school staff responded to the complainant prior to this date.

**CONCLUSION:**

Based on the Findings of Facts #1 and #2, the MSDE finds that the AACPS did not follow proper procedures in response to a request to access the student's educational record without unnecessary delay, in accordance with 34 CFR §300.613. Therefore, this office finds a violation occurred with respect to this allegation.

**CORRECTIVE ACTIONS/TIMELINES:**

**Student-Specific**

The MSDE requires the AACPS to provide documentation by January 12, 2018, that a meeting has taken place between the complainant and school staff, to allow for review of the student's educational record, and that school staff were available to provide the complainant with the opportunity to receive an interpretation of the results used for the assessment.

**School-Based**

The MSDE requires the AACPS to provide documentation by January 31, 2018, of the steps taken to ensure that the XXXXXXXXXXXXXXXXXXXX staff follow proper procedures when responding to a request to access student educational records. The documentation must include a description of how the AACPS will evaluate the effectiveness of the steps taken and monitor to ensure that the violation does not recur.

**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.

Please be advised that both the complainant and the AACPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts 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.

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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 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 and conclusions contained in this letter should be addressed to this office in writing. 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.

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 Special Education/Early Intervention Services

MEF:ac

c: George Arlotto  
Alison Barmat  
XXXXXXXXXXXX  
Dori Wilson  
Anita Mandis  
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Nancy Birenbaum