



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

February 3, 2021



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

Ms. Diane McGowan  
Co-Director of Special Education  
Anne Arundel County Public Schools  
2644 Riva Road  
Annapolis, Maryland 21401

RE: [REDACTED]  
Reference: #21-041

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 of the final results of the investigation.

**ALLEGATION:**

On December 8, 2020, the MSDE received a complaint from Ms. [REDACTED] 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 allegation that AACPS has not ensured that the student has been provided with a Free Appropriate Public Education (FAPE) since September 20, 2020, in accordance with 34 CFR §§300.101 and .323, as well as federal and State guidance.

**BACKGROUND:**

The student is sixteen (16) years old and is identified as a student with a Specific Learning Disability under the IDEA. She has an Individualized Education Plan (IEP) that requires the provision of special education instruction.

The student attended the [REDACTED] until the March 16, 2020 Statewide closure of school buildings and initiation of virtual learning as a result of the COVID-19 pandemic.

**FINDINGS OF FACTS:**

1. Due to the ongoing health risks associated with the COVID-19 pandemic, the AACPS has continued to provide virtual learning since the start of the 2020-2021 school year.
2. There is documentation that multiple attempts have been made by the school system staff to provide the student with an assistive technology device and internet connectivity in order to access virtual learning. However, there is also documentation that the complainant has refused all devices and services.
3. There is documentation that the school system staff have made multiple attempts to provide the complainant and the student with guidance, counseling, and one-to-one support with accessing virtual learning, and that the complainant has requested that the school system staff discontinue contact with her and the student.
4. There is documentation that the school staff have made many attempts to convene the IEP team with the complainant's participation in order to address the student's lack of participation in virtual learning, but that those attempts have been unsuccessful.

**DISCUSSION/CONCLUSION:**

Based on the Findings of Facts, #1 - #4, the MSDE finds that the AACPS has followed proper procedures to offer the student a FAPE, in accordance with in accordance with 34 CFR §§300.101 and .323, as well as federal and State guidance. Therefore, this office does not find that a violation has occurred.

The MSDE urges the complainant to work cooperatively with the school system staff to provide the student with access to virtual instruction. This includes providing the school system staff with any information about specific assistance that she is willing to accept.

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**TIMEFRAME:**

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 (15) 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 for why the documentation was not made available during the investigation.

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 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 Early Intervention/Special Education Services

MEF:dee

C:

George Arlotto  
Alison Barmat  
Dori Wilson  
Anita Mandis  
Diane Eisenstadt