



July 13, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Ms. Bobbi Pedrick
Ms. Diane McGowan
Co-Directors of Special Education
1450 Furnace Avenue
Glen Burnie, MD 21060

RE: [REDACTED]
Reference: # 22-158

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education 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 May 18, 2022, the MSDE received a complaint from Ms. [REDACTED], hereafter, “the complainant,” on behalf of her 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 did not follow proper procedures to ensure that Home and Hospital Teaching (HHT) services were consistently provided to the student from September 29, 2021, to March 8, 2022, in accordance with 34 CFR §300.323 and COMAR 13A.05.01.10.

BACKGROUND:

The student is thirteen (13) years old and is identified as a student with an Emotional Disability under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

FINDING OF FACT:

1. The AACPS acknowledges that a violation occurred with respect to the allegation. Specifically, the AACPS acknowledged that the student was not provided with HHT services from September 29, 2021, to March 8, 2022 due to a staffing shortage.

CONCLUSION:

Based on the Finding of Fact #1, the MSDE finds that the AACPS did not follow proper procedures to ensure that Home and Hospital Teaching (HHT) services were consistently provided to the student from September 29, 2021, to March 8, 2022, in accordance with 34 CFR §300.323 and COMAR 13A.05.01.10. Therefore, this office finds that a violation has occurred with respect to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below. The MSDE has established reasonable time frames below to ensure that non-compliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with the 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 Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at Diane.Eisenstadt@maryland.gov.

Student-Specific

The MSDE requires the AACPS to provide documentation by October 1, 2022, that the IEP team has convened and determined the amount and nature of compensatory services or other remedy to remediate the violations identified through this investigation and to provide documentation within one year of the date of this Letter of Findings that the compensatory services have been provided.

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

System-Based

The MSDE requires the AACPS to provide documentation by December 1, 2022, identifying all students with disabilities under IDEA for the school year 2021-2022 who did not receive HHT services as required

¹ 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, the 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.

² The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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by their IEP. The IEP team must convene and determine the amount and nature of compensatory services or other remedy to be provided to the student for the loss of services, and develop a plan for the provision of those services within one (1) year of the date of this Letter of Findings. The AACPS must report the results of this monitoring and plan to address any noncompliance to the MSDE by December 15, 2022.

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. 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 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 Early Intervention/Special Education Services

MEF/tg

c: George Arlotto
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Tracy Givens