



December 28, 2022

[REDACTED]
[REDACTED]
[REDACTED]

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

RE: [REDACTED]
Reference: #23-074

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 November 1, 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 has not ensured that the student has been consistently provided with the special education instruction and supports required by the Individualized Education Program (IEP) since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. Specifically, the complainant alleged the following:

- a. The student has not been provided with extended time on assignments;
- b. The student has not been provided with prompting to write assignments in his agenda;
- c. The student has not been provided with a home-school communication system;
- d. The student has not been provided with student/teacher notes; and
- e. The student has not been provided with specialized instruction.

BACKGROUND:

The student is fourteen (14) years old and is identified as a student with a Specific Learning Disability under the IDEA. He attends [REDACTED] School, and has an IEP that requires the provision of special education instruction.

FINDINGS OF FACTS:

1. The student's IEP in effect at the start of the 2022-2023 school year was developed on May 26, 2022. The IEP requires daily additional time to complete assignments and assessments, visual or verbal prompt to write down homework, projects, and assessments in his agenda in each class, copy of "teacher or student notes" for math, periodic home-school communication system to ensure the student is prepared for upcoming tests, quizzes, and assignments, and one hour and forty minutes of weekly specialized instruction in general education.
2. There is no documentation that the student was provided with additional time on assignments and assessments since the start of the 2022-2023 school year.
3. There is some documentation of the student's assignments and assessments written in his agenda book since the start of the 2022-2023 school year. However, this documentation does not demonstrate that the student received daily prompting to write down assignments and assessments as required by the IEP.
4. There is documentation that the student was provided with a periodic home-school communication system to ensure the student is prepared for upcoming tests.
5. There is documentation that the student received copies of the teacher's math notes since the start of the 2022-2023 school year. However, this documentation does not demonstrate that the student received daily copies of the math notes as required by the IEP.
6. There is no documentation that the student was provided with one hour and forty minutes of weekly specialized instruction in general education.

CONCLUSIONS:

Provision of Additional Time

Based on the Finding of Facts #1 and #2, the MSDE finds that the AACPS has not ensured that the student has been consistently provided with additional time to complete assignments and assessments as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation has occurred with respect to this aspect of the allegation.

Provision of Prompting to Write Down Assignments and Assessments

Based on the Finding of Facts #1 and #3, the MSDE finds that the AACPS has not ensured that the student has been consistently provided with daily prompts to write down the student's assignments and assessments in his agenda book as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation has occurred with respect to this aspect of the allegation.

Provision of Home-School Communication

Based on the Finding of Facts #1 and #4, the MSDE finds that the AACPS has ensured that the student has been consistently provided with a periodic home-school communication system to ensure the student is prepared for upcoming tests as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation has occurred with respect to this aspect of the allegation.

Provision of Teacher or Student Math Notes

Based on the Finding of Facts #1 and #5, the MSDE finds that the AACPS has not ensured that the student has been consistently provided with copies of the teacher or student math notes as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation has occurred with respect to this aspect of the allegation.

Provision of Specialized Instruction

Based on the Finding of Facts #1 and #6, the MSDE finds that the AACPS has not ensured that the student has been consistently provided with one hour and forty minutes of weekly specialized instruction in general education as required by the IEP since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation has occurred with respect to this aspect of the 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 February 1, 2023, of the following actions:

- a. That it has provided the student with additional time, prompting to write down assignments in his agenda book, copies of teacher or student math notes, and specialized instruction as required by the IEP; and
- b. That it has convened an IEP team meeting and determined whether the violations identified in this Letter of Findings regarding provision of additional time, prompting to write down assignments in his agenda book, copies of teacher or student math notes, and specialized instruction had a negative

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.

██████████
Ms. Sonya McElroy
Ms. Diane McGowan
December 28, 2022
Page 4

impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedy to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

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.

School-Based

The MSDE requires the AACPS to provide documentation of professional development completed by March 1, 2023, to ensure that the staff at ██████████ School properly implements the requirements for the provision of instructional services, supplementary aids and services under the IDEA. AACPS must also develop a monitoring tool to ensure the consistent implementation of supplementary aids and services for students at ██████████ School, beginning no later than March 1, 2023. The monitoring must include a monthly reporting to the MSDE of the implementation of supplementary aids and services for **all** students with IEPs attending ██████████ School beginning on March 1, 2023 through June 15, 2023.

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: Mark T. Bedell
██████████
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Tracy Givens