



Mohammed Choudhury
State Superintendent of Schools

December 29, 2022

Ms. Aarti Sidhu
Attorney
University of Maryland Carey School of Law
Clinical Law Program
500 W. Baltimore Street
Baltimore, Maryland 21202

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: #23-077

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 4, 2022, the MSDE received a complaint from Ms. Aarti Sidhu hereafter, “the complainant,” on behalf of 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 decisions regarding recovery services made between February 2022 and April 2022 were consistent with needs of the student, in accordance with 34 CFR §§300.101 and .324.

BACKGROUND:

The student is seventeen (17) years old and attends [REDACTED] a nonpublic special education school, where he is placed by the AACPS. He is identified as a student with Multiple Disabilities under the IDEA, and has an Individualized Education Program (IEP) that requires the provision of special education instruction and related services

FINDINGS OF FACTS:

1. On February 25, 2022, the IEP team met to discuss eligibility for recovery and/or compensatory services following the student's return to in-person learning. A "Recover/Compensatory Plan" was developed by the IEP team to determine the impact of the COVID-19 Pandemic on the student's progress. During the IEP team meeting, the team acknowledged that "a resulting loss of skills or lack of expected progress due to any IEP goals or services being modified or not implemented." had occurred. The IEP team determined that the student's Early Math Literacy and Vocational skills annual IEP goals could not be introduced during the time that the student received only virtual instruction. The student, however, had made progress on his remaining annual IEP goals during the time that he was provided virtual instruction, hybrid instruction, and in-person instruction. To address the inability to provide instruction aligned to his Math Literacy and Vocational goals, the IEP team determined that the student required eight hours of recovery/compensatory services. In making this decision, the team considered that the student had made progress since returning to in-person learning, towards mastery of both goals.
2. On April 8, 2022, the IEP met to review and/or revise the student's IEP, as appropriate as part of an annual review. During this meeting, the parent indicated that she disagreed with the IEP team's February 25, 2022 decisions regarding compensatory/recovery services. The parent requested another IEP team meeting to discuss other options.
3. On May 12, 2022, the IEP team met to review and/or revise the IEP as appropriate. The parent expressed concerns regarding the results of the April 2022, annual review meeting, and the recovery/compensatory service decision made in February 2022. The team also reviewed data regarding changes to the student Occupational Therapy programming. No additional data was provided as a result no changes were made to the recovery/compensatory service plan or Occupational Therapy services.

DISCUSSION/CONCLUSIONS:

Based on Findings of Facts #1 - #3 the MSDE finds that the AACPS has ensured that the decisions regarding recovery services made between February 2022 and April 2022 were consistent with needs of the student, in accordance with 34 CFR §§300.101 and .324. Therefore, this office finds that a violation did not occur with respect to this allegation.

TIMELINES:

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

Ms. Aarti Sidhu
Ms. Sonya McElroy
Ms. Diane McGowan
December 29, 2022
Page 3

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 and Special Education Services

MEF:ra

c: Mark T Bedell
[REDACTED]
Alison Barmat
Diane Eisenstadt
Gerald Loiacono
Rabiatu Akinlolu