




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

October 2, 2019




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

RE:   
Reference: #20-007

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and 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 August 5, 2019, the MSDE received a complaint from Ms.  hereafter, “the complainant,” on behalf of her son, the above-referenced student. In that correspondence, the complainant alleged that the 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 ensure that the student was provided with a Free Appropriate Public Education (FAPE) from the start of the 2018 - 2019 school year until October 18, 2018, in accordance with 34 CFR §§ 300.17, .101, .320 and .324 based on the following:

- a. The Individualized Education Program (IEP) did not address the student’s safety needs that Impeded his ability to access instruction, participate in nonacademic extracurricular activities, achieve annual IEP goals, and progress through the general curriculum.
- b. The IEP did not include measurable annual goals and services to address the student’s identified needs.

**BACKGROUND:**

The student is seventeen (17) years old and is identified as a student with Autism under the IDEA and has an IEP that requires the provision of special education and related services.

The student attended [REDACTED] School at the start of the 2018 - 2019 school year. On October 18, 2019 the complainant withdrew the student from [REDACTED] School and is currently providing him with home instruction.

**FINDINGS OF FACTS:**

**IEP Team Meeting March 16, 2018**

1. The March 16, 2018 IEP states that the student has a severe and profound disability that significantly impacts his cognitive functioning and adaptive behaviors. It reflects that the student is learning skills that focus on emerging, readiness, and functional application of the general curriculum and requires extensive modification and instruction to learn and generalize skills across multiple settings. The IEP in effect at the start of the 2018-2019 school year that was developed on March 16, 2018, states that the student has difficulty independently expressing himself by asking questions because he may choose the wrong words or lack the sequencing skills needed to order events. It states that, "He requires questioning prompts and a model to imitate or a choice of questions to be able to respond to his peers or his teacher."
2. The results of an assessment of the student's communication skills was used in the development of the IEP. The report indicates the student needs support or cues to help with using social language in the classroom setting. This includes providing clarification, adjusting language for different situations, responding to introductions and introducing others, giving and asking for directions, starting and responding to verbal negotiations, and correctly reading social situations.
3. The IEP reflects that the student has identified needs in the areas of reading, math, expressive and receptive language and pragmatic language skills. The IEP has four (4) goals in the areas of basic reading comprehension, functional math skills, receptive and expressive language skills, and language pragmatics.
4. The reading comprehension goal states that in a small group setting the student will demonstrate comprehension of material read using targeted skills (e.g. main idea, key details, draw conclusions, make inferences, summarize, make connections, and determine point of view and key story elements) using work samples as the evaluation method with 7 out of 10 trials. The two (2) objectives are for the student to be able to sequence five (5) events in a story and use key details to describe characters, settings, and major events in a story.

5. The functional math goal states that in real or contrived situations, the student will solve problems involving money, measurement and/or time, collection and use of data, using targeted skills and data sheets as the evaluation method in eight (8) out of ten (10) trials. The two (2) objectives are for the student to be able to determine the correct operation necessary to solve functional word problems and to determine the correct amount of change received from a purchase.
6. The receptive and expressive language goal states that given real or contrived scenarios, the student will interact with peers and adults by asking and answering basic “wh” questions at school and in the community using data sheets as the evaluation method with 75% accuracy. The four (4) objectives are for the student to be able to answer “who” questions, “where” questions, “what” questions, and questions to make requests to meet his needs with a prompt or a choice of questions.
7. The pragmatic language goal states that the student will use language socially with adults and peers for a variety purposes at school and in the community with one prompt using data sheets as the evaluation method with 65% of the time on four (4) out of five (5) targeted sessions. The four (4) objectives are for the student to be able to make related comments to participate in a conversation, ask related questions to participate in a conversation, will notice details in a situation to make basic inferences about what is happening in a situation and what people are thinking and feeling, and will tell information about himself or his activities.
8. The reports of the student’s progress towards achievement of the speech/language goals indicate the student is making sufficient progress to meet the goal. They state that the student is asking basic questions at school and in the community with 90% accuracy, and that in less structured situations the student is more likely to include additional words, omit some words or the grammar might be awkward or incorrect. They also state that with a model he is able to achieve 100% accuracy, and that he is working towards his goal of using language socially with adults and peers within school and the community.
9. The IEP requires that the student receive sixteen (16) hours per week in all academics, social skills instruction and school based pre-vocational skills. It also requires direct instruction for ten (10) hours per week in all academics and social skills instruction. The IEP also requires that the student receive access to community based instruction to be provided for six (6) hours monthly and six (6) hours weekly for a vocational enclave. The IEP also requires that the student receive speech/language services to be provided one time per week for thirty (30) minutes in the speech room and in the community.
10. At the IEP team meeting held on March 16, 2018, the complainant expressed concerns about another student’s behavior and cited an incident which occurred on January 26, 2018. The incident involved another student with an IEP hitting her son, and breaking the skin on his chest. The IEP team discussed that a “separation protocol” was developed on

February 1, 2018, to keep the student safe and separated from the other student during the school day because they are in the same program.

### **IEP Team Meeting August 13, 2018**

11. An IEP team meeting was held on August 13, 2018 to address the parents' concerns about transition services and electives involving music. The IEP team discussed the student's reevaluation date and revising the IEP. The IEP team decided to discuss the revision of the IEP at the next meeting which was tentatively scheduled for October 5, 2018.
12. There is no documentation that another incident occurred, that the student visited the health suite due to injuries, or that his parents were called due to an incident from the start of the 2018-2019 school year through October 18, 2019, the date of his withdrawal from school.
13. The student's attendance record reflects that he attended school regularly while enrolled.

### **DISCUSSION/CONCLUSION:**

Based on the Finding of Fact #10, the MSDE finds that the IEP team addressed the student's safety needs on February 1, 2018 with the development of the safety protocol. Furthermore, based on the Findings of Facts #11 - #13, the student was able to access instruction, participate in activities and achieve progress on goals and objectives, in accordance with 34 CFR §§ 300.17, .101, .320 and .324. Therefore, this office finds that no violation occurred with this aspect of the allegation.

Based on the Findings of Facts #4 - #9, the MSDE finds that the IEP includes measurable annual goals and services to address the student's identified needs in the areas of reading, math and language. The IEP team developed annual goals and services to address all areas of need, in accordance with 34 CFR §§ 300.17, .101, .320 and .324. Therefore, this office finds that no violation occurred with respect to this allegation.

### **TIMELINE:**

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.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The complainant and the school system maintain the right to request mediation or to file a due process complaint, if they disagree with the identification, evaluation, placement, or

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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  
and Special Education Services

MEF/sf

c: George Arlotto  
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