



Carey M. Wright, Ed.D.
Interim State Superintendent of Schools

November 3, 2023



Ms. Diane McGowan
Director, Specially Designed Instruction
and Compliance
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, Maryland 21401

RE: [REDACTED]
Reference: #24-030

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.

ALLEGATIONS:

On September 5, 2023, MSDE received a complaint from Ms. [REDACTED] hereafter, "the complainant," on behalf of her daughter. In that correspondence, the complainant alleged that Anne Arundel County Public Schools (AACPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The AACPS did not follow proper procedures when determining comparable services upon the student's transfer to the AACPS at the start of the 2022- 2023 school year, in accordance with 34 CFR §300.323(f).
2. The AACPS did not follow proper procedures when conducting an evaluation of the student since October 2022, in accordance with 34 CFR §§300.300- .306 and COMAR 13A.05.01.06.
3. The AACPS did not follow proper procedures when responding to requests to amend the student's education record from December 2022, in accordance with 34 CFR §300.618.
4. The AACPS did not ensure that an IEP was in place for the student, when required, since the start of the 2022-2023 school year, in accordance with 34 CFR 300.323(c) and COMAR 13a.05.01.08.

5. The AACPS has not ensured that the complainant and the student were afforded an opportunity to participate in IEP team meetings since December 2022, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07.
6. The AACPS did not ensure that the student's IEP contained annual goals designed to meet the student's identified needs in the area of decoding and writing since January 2023, in accordance with 34 CFR §300.324.
7. The AACPS did not ensure that the IEP includes present levels of academic achievement and functional performance in order to properly identify and address all of the student's identified needs since December 2022, in accordance with 34 CFR §300.320.
8. The AACPS did not ensure that the complainant was provided with accessible copies of each document the IEP team planned to discuss at the December 9, 2022, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.03B(9).
9. The AACPS did not follow proper procedures when determining the accommodations the student would access during the administration of statewide assessments since March 2023, in accordance with 34 CFR §§300.320 and .324.
10. The AACPS has not ensured that the student has been provided with testing accommodations as required by the IEP since March 2023, in accordance with 34 CFR §§300.101 and .323.
11. The AACPS did not ensure that the student was provided with reports of academic progress toward achieving the annual IEP goals during the fourth marking period, in accordance with 34 CFR §300.320(3).

BACKGROUND:

The student is 15 years old and is identified as a student with a specific learning disability under the IDEA. The student currently attends ██████████ School. During the 2022- 2023 school year, the student attended ██████████ School and has an IEP that requires the provision of special education instruction.

FINDINGS OF FACTS:

1. On August 22, 2022, the student enrolled in the AACPS with an IEP dated May 20, 2022, originally from ██████████. The student's out-of-state IEP mandated the provision of special education services inside the general education setting for four sessions per week for 220 minutes. The student required supplementary aids and services in the area of academics.
2. On August 29, 2022, the AACPS IEP team convened to assess the student's eligibility based on the out-of-state IEP and to discuss comparable services. During the meeting, the IEP team determined that an observation of the student would be conducted to determine if other assessments were necessary. It was determined that comparable services would be provided based on the out-of-state IEP while the evaluation and IEP development processes were pending. The IEP team determined the student will receive four hours of specialized instruction weekly inside the general education setting with the support of a special educator and a general educator in the areas of English and Math. The team confirmed their ability to implement the accommodations as outlined in the out-of-state IEP.

3. On the same day, the complainant provided permission for the AACPS to conduct a formal observation. The IEP team agreed to schedule a meeting to occur within "30 days" to review the results of the observation and determine whether additional assessments were necessary to establish the student's eligibility for services in Maryland.
4. On August 31, 2022, a school-based staff member made a request to another school-based member for "reading screening/reading intervention." This request was made in response to the complainant's concern about the student's reading progress, as discussed during the August 29, 2022, comparable service meeting.
5. On September 9, 2022, the student's schedule was modified, and the student was enrolled in "CORE Reading", a reading intervention, and removed from her Spanish class.
6. On October 13, 2022, the IEP team convened to review information about the student and decide whether an assessment was necessary. During the meeting, the complainant voiced her concerns related to the student's performance in math. Additionally, she requested that the student be actively involved in all future IEP meetings.
7. The IEP team proposed assessments in the following areas: Basic Reading Skills, Reading Comprehension, Math Calculation, Math Reasoning, Written Expression, Reading Fluency, and Math Fluency. The Prior Written Notice (PWN) states, "Because the student is new to the state of Maryland, assessments are necessary to ascertain whether the student will be eligible to receive IEP services."
8. On December 9, 2022, the complaint informed staff that she had not received a copy of the academic assessment referenced as attached to previous correspondence from the AACPS. In response, the AACPS staff provided the complainant with the academic assessment on the same day.
9. On December 9, 2022, the IEP team convened to review the assessment information in the area of reading, writing and math, and determine eligibility under IDEA. The academic assessment completed for the student indicated that she was performing in the average range when compared to peers of the same age in the area of basic reading and writing, and the student was performing in the low range when compared to peers of the same age in the area of math calculation. The academic assessment recommended that the student receive additional support in her classes in order for her to access the general education curriculum, including use of a calculator, chunking of text, and graphic organizers.
10. The IEP team completed a "Comprehensive Evaluation Report" (CER) that indicated the student's skills are below average in the areas of reading comprehension, mathematics calculation, and mathematics problem solving. All other scores (basic reading skills, reading fluency, and written expression) fell within the average range. The CER states the student is identified as a student with a Specific Learning Disability and exhibits characteristics of Dyscalculia, and that these difficulties have an adverse impact on her educational performance. The IEP team determined that the student was eligible as a student with a specific learning disability under IDEA. Although the student was found eligible for special education services, the IEP team also "suggested" that she is eligible for services under a Section 504 plan due to her average scores in the area of basic reading and writing. The IEP team documented the complainant's disagreement with this determination due to the student being on the "fourth and fifth grade reading level." The complainant expressed concern that the student performs better in a co-

taught class. However, there is no documentation of the IEP team decision regarding the student's continued eligibility under the IDEA during the meeting on the PWN.

11. There is documentation indicating that each member of the IEP team, including the student, electronically signed the "CER" and concurred with the determination that the student was eligible under the IDEA with specific learning disability on December 9, 2022.
12. On December 10, 2022, the complainant sent correspondence via email to school staff expressing her disagreement regarding the CER and the PWN Attendees page. The complainant states that her signature had been affixed to these documents using the electronic signature platform "DocuSign" without her explicit consent. The complainant also articulated her desire for the student to be present at all IEP meetings.
13. The complainant received a "corrected" copy of the CER on December 14, 2022, with a change in the disability characteristics of Dyscalculia to Dyslexia.
14. On January 09, 2023, the IEP team met to review existing data and "develop a reevaluation plan." During the meeting, the complainant expressed concerns about "the accuracy of the assessments" reviewed in the previous IEP meeting as it showed multiple "clerical errors and inconsistencies." She also does not feel the information was "adequately explained." The complainant "expressed concern with the documentation of eligibility as discussed at the previous meeting" and that the "IEP team not being forthright in answering questions and asked that the team communicate more directly."
15. The written summary of January 9, 2023, IEP reflects, due to "errors and inconsistencies" with the assessment and the CER, the IEP team determined that additional informal assessments in the area of math (math calculation and math reasoning) were required. They also determined the need for a formal student observation and recommended that additional academic testing be completed for the student. The complainant proposed further assessment in the area of written expression. The IEP team rejected this proposal because the student was performing better than 98% of her same-aged peers and earning As and Bs in her English and US History classes. The IEP team decided to collect work samples of the student's writing for review and discussion in preparation for educational planning in the next IEP meeting.
16. There is documentation of the complainant and the student participating in the meeting held on January 9, 2023.
17. On February 21, 2023, the IEP team met to review the new assessment data, determine eligibility, develop an initial IEP, and consider the need for transition services. The IEP team reviewed a revised academic assessment report completed by the AACPS on February 14, 2023, correcting inaccuracies identified in the report completed on October 28, 2023. The documentation from this meeting reflects that at the beginning of the meeting, the complainant requested a review of the updated academic assessment report as a team before the review of the draft IEP because there were issues she wanted to address. This request was made because there were "nine discrepancies" between the new assessment report and the initial one. The complainant also proposed that the "background section of the CER be updated to include information from the student's previous [out-of-state] IEP... as well as scores from formal assessments given by the [out-of-state] Special Education Team[.]" Based on formal assessment results, classroom teacher reports, work samples, informal assessments, classroom performance data, and previous formal assessment information provided by the family, the

IEP team determined that the student's Specific Learning Disability in the areas of Reading Decoding, Reading Comprehension and Math Problem Solving, which directly impacts her ability to access grade-level curriculum without the provision of special education services. As a result, the student was found eligible for Special Education Services as a student with Dyslexia, which impacts her reading comprehension, and Dyscalculia.

18. Due to the "lengthy conversations" and discussion about the inaccuracies of the completed assessments presented to the IEP team in order to determine eligibility for the student, the IEP team was unable to review the draft IEP for the student and agreed to reconvene on March 22, 2023, to develop an IEP for the student.
19. On February 21, 2023, after the meeting, the complainant provided the school team with a copy of the Formal Assessment Report (FAR) that was completed prior to the student enrolling in the AACPS when the student attended school out-of-state. The complainant requested that the IEP team review the report and that the data be used to help determine appropriate IEP goals for the student.
20. There is documentation of the complainant and the student participating in the meeting held on February 21, 2023.
21. On March 22, 2023, the IEP team convened to develop an initial IEP and to determine appropriate IEP services. The IEP team determined that reading comprehension, written language, math problem solving, math calculation, and reading decoding are areas affected by the student's disability, impacting the student's academic achievement and functional performance. The IEP team utilized both formal and informal assessments to develop the initial IEP. The IEP includes formal assessment information from the WJ-IV administered in October 2022, previous formal assessment data from the FAR administered in October 2019 (while the student was in another state), performance series data, classroom work samples, progress reports, and teacher input to help determine the student's current levels of performance along with IEP goals and objectives for reading comprehension, math calculation, and math problem solving.
22. The present level of performance in the area of reading decoding identifies information on the student's strengths and weaknesses, using data from formal academic testing. The IEP reflects the student's Specific Learning Disability in the area of reading comprehension and decoding impact her ability to comprehend grade level curricular texts. She requires extended time to read and re-read a given text to assist her in accurate decoding required to increase her level of understanding. The student's current level and her highest instructional level were in the upper middle school range (7th-8th grade), however, her independent decoding level is on the 5th grade level. The IEP team used formal assessments to determine that reading decoding impacts the student's academic achievement and functional performance. Based on the academic assessment conducted in October 2022, the student received scores in the average and low average range for the letter-word identification and word attack subtests, as well as in the average and low average range when tested in spelling, writing samples, and sentence writing fluency. There is documentation to support that the student scored as "independent or proficient" on reading assessments throughout the school year.
23. The present level of performance in the area of written language identifies information on the student's strengths and weaknesses, using data from formal academic testing and work samples. On the Woodcock Johnson IV (WJ-IV) dated October 2022, the student received a standard score of 107

in the area of Broad Written Language, indicating that the student was performing in the Average range when compared to peers of the same age. However, when given the Writing Samples subtest, the student encountered difficulty in creating a sentence, especially when asked to incorporate multiple details, particularly when a portion of the text had already been provided. As a result, the IEP indicated that the student required the use of accommodations and supports to help her access grade-level curriculum, and her writing needs will be addressed through supplementary aids.

24. The IEP team determined that written expression would be addressed through the supplementary aids and services including allowing use of organizational aids, allowed the use of highlighters, chunking of text and assignments. The written summary of the IEP meeting held on March 22, 2023, indicates that the complainant inquired about decoding interventions and questioned why reading decoding and written expression were not addressed on the IEP. In response to these inquiries, a school-based team member states she will contact a teacher specialist in the area of English to help determine if the student requires specially designed instruction to access grade level curriculum in the area of reading. There is no documentation, to date, that the IEP team has determined how the IEP developed for the student will address her identified decoding needs.
25. During the IEP meeting on March 22, 2023, the IEP team discussed the student's need for accommodations during statewide assessments. The IEP team explained the student's participation in District and Statewide assessments as well as graduation information. The IEP team indicated that the student was not expected to participate in the High School Maryland Integrated Science Assessment (MISA) aligned with the Next Generation Science Standards (NGSS) in the current grade. The written summary of the IEP meeting included a school team member discussing the student's graduation requirements and stating that "the student will take the MISA next year in the [Spring of 2024]."
26. The IEP outlines the following accommodations as accessibility features needed for the student during the MISA:
 - a. Highlight Tool;
 - b. Text to Speech;
 - c. Reduce distractions to self;
 - d. Extended Time (1.5).
27. There is documentation of the complaint and the student participating in the meeting held on March 22, 2023.
28. On April 4, 2023, the complainant provided the school team with a written statement to be added to the IEP, in which they received it on April 11, 2023, due to spring break. The complainant requested additional time to write a statement after the March 22, 2023, IEP meeting. The IEP was amended on April 17, 2023, to provide complainant input and correct the date of complainant consent and date of initial evaluation on the eligibility page of the IEP. The complainant agreed that the student requires specialized instruction and her "goal is to ensure the student has appropriate support and learning strategies in place to assist her in closing the gaps that exist in her reading and math skills due to Dyslexia." The complainant also noted that she "would like for the student to have a goal added to her IEP which places focus on improving her skill set in phonics and decoding." The complainant expressed her desire to "revisit the discussion of adding a decoding goal" once the school team has acquired the information that they need from the district's reading specialist.

29. On April 27, 2023, the student sent an email to a school staff member, questioning why she was required to take the MISA test during the current year. She referenced her mother being informed during the IEP meeting on March 22, 2023, that she wouldn't be taking the assessment until the following school year. In response, the school staff member informed the student that the decision to have every student enrolled in Biology take the MISA this year was a recent adjustment to the curriculum. Additionally, the staff member mentioned that the student had been placed in a testing room with other students who also received the same testing accommodations and would receive them the day of testing.
30. On April 30, 2023, the complainant sent an email inquiry to a school staff member, seeking clarification as to why they were not previously notified about the student's need to take the MISA test. In the email, they mentioned that they had previously sought clarification during a meeting where the school team had stated that all students take the test in their 10th-grade year, and since their child was in 9th grade, she wouldn't be required to take it. In response, the staff member acknowledged the error and offered an apology, stating that the IEP team had provided incorrect information regarding the timing of the assessment. The complainant was then informed that the IEP could be amended to accommodate the student taking the assessment.
31. On May 1, 2023, the complainant received a copy of the amended IEP with her agreement, which indicated that the student would be taking the MISA testing.
32. There is documentation confirming that the student participated in the MISA Science Assessment on May 1, 2023. The student completed the MISA test within a small group setting and was provided the accommodations specified in her IEP.
33. On June 11, 2023, the complainant received a copy of the student's progress report for quarter four of the 2022-2023 school year. The student's IEP contains a math calculation goal, which reads: "Given extended time, an anchor chart, and ten mixed operation calculation problems involving rational numbers to the 1000s place, the student will apply taught strategies to accurately solve." The progress report indicates that the student is "making sufficient progress to meet the goal." The description of progress based on data collected reflects:
 - a. "On 5/15, during Quiz 2, the student was presented with a total of 3 mixed operation problems with 2-3 steps, requiring an understanding of rational numbers for solving. The student completed these problems with 100% accuracy."
 - b. "On 5/13/2023, during an exercise involving 3 Mixed Operations, the student was given a total of 3 mixed operation problems."
 - c. "On 5/31/2023, the student received 3 mixed calculation problems, which involved solving for unknown variables. The material was introduced by a teacher, but the student still faced difficulties with equations that required more than 1 step. Rational numbers were essential for solving these equations, and the student's accuracy was at 25%."
34. The student's IEP includes a math problem-solving goal that states: "Given a data set with variables, formula sheets, calculator, highlighter, and extended time, the student will write and solve algebraic

equations, both in isolation and in relation to real-world problems." The progress report indicates that the student is "making sufficient progress to meet the goal." However, the description of progress during quarter four 2022-2023, reflects identical data as collected for the math calculation goal, and does not provide context on each goal and objective as to how the student is "making progress."

35. There is documentation indicating that the complainant received five different versions of the Comprehensive Evaluation Review between December 2022 and March 2023.
36. There is documentation indicating that the complainant received three different versions of the Academic Assessment report between December 2022 and March 2023.
37. AACPS acknowledges that it did not follow proper procedures when conducting an evaluation of the student since October 2022, in accordance with 34 CFR §§300.300-.306 and COMAR 13A.05.01.06; specifically that the assessment given to the student and the inaccuracies of the assessment presented to the complainant and IEP team.
38. The AACPS acknowledges it did not ensure that the complainant was provided with accessible copies of each document the IEP team planned to discuss at the December 9, 2022, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.03B(9).

CONCLUSIONS

Allegation #1: Determination of Comparable Services

If a student with a disability who had an IEP that was in effect in a previous public agency in another State transfers to a public agency in a new State and enrolls in a new school within the same school year, the new public agency (in consultation with the complainant) must provide FAPE to the student, including services comparable to those described in the child's IEP from the previous public agency, until the new public agency conducts an evaluation; and develops, adopts, and implements a new IEP (34 CFR §300.323).

Based on the Finding of Facts #1- #3, MSDE finds the AACPS did follow proper procedures when determining comparable services upon the student's transfer to the AACPS at the start of the 2022- 2023 school year, in accordance with 34 CFR §300.323(f). Therefore, this office finds that a violation did not occur with respect to the allegation.

Allegation #2: Conducting A Reevaluation of The Student

In this complaint, the complainant alleges that the AACPS did not follow proper procedures when conducting a re-evaluation of the student, since October 2022.

When conducting a reevaluation, the public agency must ensure that assessments are conducted, the results are considered by the IEP team, and the IEP is reviewed and revised, as appropriate, within ninety (90) days of the date the team determines that assessments are required (COMAR 13A.05.01.06E).

The public agency must also ensure that the assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable and are administered by trained and knowledgeable personnel (34 CFR §300. 304 (c)(1) (iii) and (iv)).

Based on the Findings of Facts #6- #10, #13-#21, #35-#37, MSDE finds the AACPS did not follow proper procedures when conducting an evaluation of the student since October 2022, when it provided the parent with assessments that were not valid and reliable, and did not complete the evaluation in a timely manner, in accordance with 34 CFR §§300.300- .306 and COMAR 13A.05.01.06. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Allegation #3: Requests to Amend the Student's Educational Record

In this complaint the complainant alleges the school team signed her name on documents after an IEP meeting. Although the parent expressed disagreement with the content presented to her, she did not request an amendment with the removal of her name, even though her signature was affixed to the initial CER.

Based on the Findings of Facts #11- #12, MSDE finds the AACPS was not required to respond to requests to amend the record because no explicit requests were made since December 2022 pursuant to 34 CFR §300.618. Therefore, this office finds that a violation did not occur with respect to the allegation.

Allegation #4: Developing an IEP for the Student Following an Evaluation

Based on the Findings of Facts #1- #21, MSDE finds that although the evaluation of the student was not completed in a timely manner, AACPS did ensure that an IEP was in effect for the student in a timely manner following the evaluation completed for her in March 2023, in accordance with 34 CFR 300.323(c) and COMAR 13A.05.01.08. Therefore, this office finds that a violation did not occur with respect to the allegation.

Allegation #5: Parent Participation in IEP Team Meetings

In this case, the parent alleges that the school team predetermined the student's eligibility prior to the meeting held on December 9, 2022. However, there is documentation in the PWN that the IEP team did consider her proposals and input during the IEP team meeting, including the decision that the student was eligible under the IDEA. There is also documentation showing that the parent and student attended all meetings.

Based on the Findings of Facts #6- #7, #9- #11, #16- #17, #20, #24, #27, MSDE finds that the AACPS has ensured that the parent and the student were afforded an opportunity to participate in IEP team meetings since December 2022, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07. Therefore, this office finds that a violation did not occur with respect to the allegation.

Allegation #6: An IEP That Addresses the Student's Needs in the Areas of Decoding and Writing

Based on the Findings of Facts #4- #9, #17, #21-#22, #24, #28, MSDE finds that although the IEP team determined that the student's writing needs would be addressed through the provision of accommodations, the AACPS did not ensure that the student's needs in the area of decoding were addressed through annual goals, or addressed through other means, since January 2023, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred with respect to this aspect of the allegation.

Allegation #7: An IEP That Contains Appropriate Present Levels

Based on the Findings of Facts #21 and #23, MSDE finds the AACPS did ensure that the IEP includes present levels of academic achievement and functional performance in order to properly identify and address all of the student's identified needs since December 2022, in accordance with 34 CFR §300.320. Therefore, this office finds that a violation did not occur with respect to the allegation.

Allegation #8: Provision of Documents Prior to an IEP Team Meeting

Based on the Findings of Fact #8, #9 and #38, MSDE finds the AACPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the December 9, 2022, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.03B(9). Therefore, this office finds that a violation occurred with respect to the allegation.

Allegation #9: Proper Procedures When Determining Accommodations to be Provided During Statewide Assessments

Based on the Findings of Facts #25- #32, MSDE finds the AACPS did follow proper procedures when determining the accommodations the student would access during the administration of statewide assessments since March 2023, in accordance with 34 CFR §§300.320 and .324. Therefore, this office finds that a violation did not occur with respect to the allegation.

Allegation #10: Provision of Accommodations During Statewide Testing

Based on the Findings of Facts #32, MSDE finds the AACPS ensured that the student has been provided with testing accommodations as required by the IEP since March 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur with respect to the allegation.

Allegation #11: Provision of Progress Report Towards Academic Progress

The AACPS must ensure the provision of written information about the student's progress toward their IEP goals and that the written information is based on the data collection method required by the IEP (34 CFR §§300.320, and .323).

Based on the Finding of Facts #33 and #34, MSDE finds the AACPS did not ensure that the parents were provided with an appropriate report on the student's progress toward achieving her math problem solving annual IEP goal during the fourth quarter marking period of the 2022-2023 school year, in accordance with 34 CFR§300.320(3). Therefore, this office finds that a violation occurred with respect to 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below. MSDE has established reasonable time frames below to ensure that noncompliance 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 Ms. 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

MSDE requires the AACPS to provide documentation, by December 31, 2023, that the IEP team has taken the following action:

- a. Determined the student's appropriate present levels of functioning and performance in the area of decoding and determine if the student requires an IEP goal in the area of identified need and that the parent has been provided with an accurate progress report for the student's math problem solving.
- b. Determined the compensatory services or other remedy needed to remediate the violations identified in this investigation; and
- c. Developed a plan for the implementation of the services within one (1) year of the date of this Letter of Findings.

The AACPS must ensure that the complainants are 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

MSDE requires that AACPS provide documentation by January 31, 2024, that the violation does not recur at [REDACTED] School, specifically staff development in addressing the area of administering assessments (ex. training on testing protocols, scoring and interpreting the results, composing assessment reports), the evaluation process including meeting appropriate times, composing an appropriate PWN, the proper way to write an IEP, and proper data collection and writing progress reports.

The AACPS must ensure that the violations do not recur by completing ongoing monitoring of IEPs, progress reports, and academic assessment reports at [REDACTED] School. A random sampling of 15 different IEPs and

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects 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, 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 MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

[REDACTED]
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progress reports must be reviewed every quarter for the remainder of the 2023-2024 school year. Monitoring reports must be submitted to MSDE on or before January 31, 2024, March 15, 2024, and June 15, 2024. Additionally, 10 randomly selected academic assessment reports must be reviewed for scoring accuracy, following assessment protocols, interpreting results, and properly composing assessment reports. Data to be submitted to MSDE no later than June 15, 2024.

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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMC/sj

c: Mark T. Bedell
[REDACTED]
Sonya McElroy
[REDACTED]
Jennifer Brown
Alison Barmat
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