

February 2, 2024

Redacted¹

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

RE: [REDACTED]
Reference: #24-088

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.

ALLEGATIONS:

On November 3, 2023, MSDE received a complaint from 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.

MSDE investigated the following allegations:

1. The AACPS has not ensured that the student's progress towards obtaining annual Individualized Education Program (IEP) goals was measured in the manner required by their IEP, since July 2023, in accordance with 34 CFR §§300.320 and .323.
2. The AACPS has not ensured that the student was provided with the support of a dedicated adult assistant, as required by their IEP, since July 2023, in accordance with 34 CFR §§300.101 and .323.
3. The AACPS has not ensured that the IEP developed for the student addresses their academic or transition needs, since July 2023, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is 14 years old and is identified as a student with multiple disabilities (Intellectual Disability, Emotional Disability, Other Health Impairment) under the IDEA. She was placed by ACCPS at [REDACTED]

¹ At the complainant's request, their name and contact information will not be shared with the local education agency.

██████████, a nonpublic special education program and has an IEP that requires the provision of special education services and related services.

FINDINGS OF FACTS:

1. The student's IEP in July 2023, was amended on July 10, 2023, to implement changes to the transition section of the IEP. The IEP reflects identified needs in the areas of communication, math problem solving, reading comprehension, reading phonics, speech and language articulation, written language expression, behavioral - social emotional/behavioral. The IEP includes goals addressing communication, math problem-solving, reading comprehension, reading phonics, speech and language articulation, written language expression, and behavioral-social emotional/behavioral. It also reflects transitional goals in the areas of academic, employment training, and independent living. In addition, the IEP reflects that the student participates in alternate state assessments and follows alternate academic achievement standards. Furthermore, it reflects that she will receive a Maryland High School Certificate of Program Completion.
2. The July 10, 2023, IEP requires the student to be provided with 29 hours and 30 minutes weekly of specialized instruction outside of the general education classroom at a private separate day school and 30 minutes per week of speech and language services outside of the general education classroom as a related service.
3. The July 10, 2023, IEP's Present Levels of Academic Achievement and Functional Performance (PLAAFP) reflect that the student experiences challenges in processing, recalling information, and reasoning, which affect her capacity to comprehend texts, problem-solve, identify words and phrases, and express herself both verbally and in writing. Additionally, the PLAAFP reflects that "she struggles with self-regulation, impacting her readiness for instruction. Her difficulties in expressive and receptive language further hinder her ability to construct grammatically correct, expanded, and detailed sentences for commenting, requesting, and answering questions. These weaknesses significantly impact the student's performance across various aspects of the general education curriculum, including reading, writing, math, and behavior."
4. The July 10, 2023, IEP required the student to be provided with instructional support, program modifications, social/behavioral supports, physical/environmental supports, and support from both school personnel and parents to access a modified general education curriculum. The IEP further reflects that the student requires daily adult support from the special education teacher or classroom staff to complete academic assignments and stay focused during instruction. Additionally, the IEP requires that an Emergency Action Plan is implemented during emergency evacuations, ensuring adult supervision due to a seizure disorder.
5. While the student's July 10, 2023, IEP requires her to be provided with daily adult support from the special education teacher or classroom staff, there is no documentation that the student requires the support of a dedicated adult assistant.
6. The July 10, 2023, IEP requires the implementation of a Behavior Intervention Plan (BIP). The October 15, 2022, BIP is reflected in this IEP, and it addresses behaviors of aggression and noncompliance. The BIP includes a schedule of activities, a reinforcement schedule, hierarchy for prompting, individualized sensory breaks, structured conversations, and an end of the day reward implemented by an educational assistant and her headroom teacher.

7. The July 10, 2023, IEP's PLAAFP reflects that in the area of reading, the "student demonstrated strength in identifying familiar vocabulary. She can identify rhyming words and read CVC and silent "e" words independently. However, she required assistance when reading targeted vocabulary words, relying on picture cues and prompts to achieve success in her reading goal. Data used from the Unique Learning Systems (ULS) from May 2022, noted that the student needed to continue working on prerequisite skills to support the categories of "Remembering and Analyzing."
8. The July 10, 2023, IEP reflects the student's academic goal in the area of reading phonics. The goal states: "Given picture cues and one prompt per word, [the student] will read targeted content vocabulary words and match the word to the corresponding picture to demonstrate her understanding with 95% accuracy in 4 out of 5 trials by November 2023."
9. The report of the student's progress dated October 2023, for the student's annual reading phonics goal was not reported using the evaluation method required by the IEP.
10. The July 10, 2023, IEP's PLAAFP reflects that in the area of reading comprehension, the student performed on a first grade level. The PLAAFP further reflects that the student was given the [REDACTED] Content Understanding ULS unit checkpoint assessment on October 28, 2022, and scored a 4 out of 12. In addition, to succeed in demonstrating reading comprehension, she requires picture support, one verbal prompt, and having the text read aloud.
11. The July 10, 2023, IEP reflects the student's academic goal in the area of reading comprehension. The goal states: "Given a modified grade level text with picture supports, [the student] will independently identify and sequence key story elements to demonstrate comprehension with 90% accuracy in 4 out of 5 trials by November 2023."
12. The report of the student's progress dated October 2023, for the student's annual reading comprehension goal reflects that the student did not make sufficient progress to meet the goal.
13. The July 10, 2023, IEP's PLAAFP reflects that in the area of written language expression, the student "performed on the first grade level." She demonstrated her writing skills by completing simple forms such as writing her name on schoolwork, tracing letters or words, and writing simple sentences from a model. Classroom assessments and observations have shown that the student can write her first and last name independently with accurate letter formation in 4 out 5 trials. However, data reflects that when asked to write specific letters in isolation, the student is unable to do so. Additionally, when writing her name, she does not consistently use appropriate capitalization".
14. The July 10, 2023, IEP reflects the student's academic goal in the area of written language expression. The goal states: "Given a fading visual model, [the student] will independently write her first name, last name and the current date with 95% accuracy letter formation and spacing in 4 out of 5 trials by November 2023".
15. The report of the student's progress dated October 12, 2023, for the student's annual written language expression goal, reflects that the student achieved this goal. Specifically, the progress report reflects the written language goal was measured in the manner required by the IEP.
16. The July 10, 2023, IEP's PLAAFP reflects that in the area of math problem solving, the student "performed on the first grade level." She demonstrated the ability to write numbers in an equation and add and subtract numbers within ten when presented vertically. The student can represent number amounts using her fingers and hands. She is proficient in solving one-digit addition and

subtraction equations and is working on foundational skills to solve two-digit addition equations without regrouping.” The student requires access to visual cues, picture supports, graphic organizers, models, templates, and checklists, modified content and materials, as well as immediate feedback and multiple checks for understanding, to ensure progress with her skills/content.

17. The July 10, 2023, IEP goal in the area of math problem solving states: “Given a visual model, number up to 20 and manipulatives, [the student] will solve addition and subtraction equations with 80% accuracy in 4 out of 5 trials by November 2023.”
18. The reports of the student’s progress dated October 12, 2023, for the student’s annual math problem solving goal, reflects that the student achieved this goal. Specifically, the progress report reflects the math problem solving goal was measured in the manner required by the IEP.
19. The reports of the student’s progress dated October 12, 2023, for the student’s annual calculation goal, reflects that the student achieved the goal. Specifically, the progress report reflects the calculation goal was measured in the manner required by the IEP.
20. The July 10, 2023, IEP’s PLAAFP reflects that in the area of behavior, the student performed below grade level expectations.
21. The July 10, 2023, IEP reflects the student’s academic goal in the area of behavior. The goal states: “Given consistent implementation of her behavior intervention plan, [the student] will engage in no more than 5 incidents of noncompliance per month for 3 consecutive months”.
22. The July 10, 2023, IEP’s PLAAFP reflects that in the area of transition, the student received a “Truity Career Photo Quiz” on October 25, 2022, and the results indicated she likes “working with people (teaching, nursing, etc.), laundry, cleaning activities, and makeup.” The results from the “Truity Career Photo Quiz” show she is a “helper.” While the results of the “Truity Career Photo Quiz” demonstrate she falls under the category of “Consumer Services, Hospitality & Tourism”, the IEP reflects “upon exiting high school and with Developmental Disabilities Administration (DDA) support, [the student] will be employed in the field of nursing.” In addition, the student also received the “Transition Planning Inventory II (TPI-2)” on October 17, 2022. The results from the TPI-2 reflect the student “can use a telephone if the numbers are programmed in for her. She can tell you about her family and some personal information” and “needs more training on basic work skills, personal money management, following directions, and understanding career paths.
23. The July 10, 2023, IEP reflects the student’s transition goal in the area of academics (goal one). The goal states: “[The student] will copy her personal information (name, address, and phone number) with fading prompts.”
24. The reports of the student’s progress dated October 2023, for the student’s annual transition goal in the area of academics (goal one), reflects that the student completed the goal. Specifically, the progress report reflects that when she is using a visual aide to complete her personal information. She is able to copy most of her information with adult assistance and 2-3 verbal prompts.
25. The July 10, 2023, IEP reflects the student’s transition goal in the area of academics (goal two). The goal states: “[The student] will identify community/safety words in a field of three.”
26. The reports of the student’s progress dated October 12, 2023, for the student’s annual transition goal in the area of academics (goal two), reflects that the student completed the goal. Specifically,

- the progress report reflects that the transition goal in the area of academics (goal two) was measured in the manner required by the IEP.
27. The July 10, 2023, IEP reflects the student's transition goal in the area of employment training (goal one). The goal states: "[The student] will participate in vocational activities in the field of Consumer Services, Tourism & Hospitality."
 28. The reports of the student's progress dated October 2023, for the student's annual transition goal in the area of employment training (goal one), reflects that the student did not complete the goal (student choice). Specifically, the progress report reflects "[The student] worked on the following activities: baking, microwave, washed dishes, laminating, stapling packets. She can do these activities with a verbal or gestural prompt. The student is able to start and with assistance complete a job application. The student is able to, with the use of a student information guide, start and complete a job application by inputting her information into a form. [The student] is working to correct punctuation and other details for a successful completion of the application."
 29. The July 10, 2023, IEP reflects the student's transition goal in the area of employment training (goal two). The goal states: "[The student] will gather supplies needed to perform tasks."
 30. The reports of the student's progress dated October 2023, for the student's annual transition goal in the area of employment training (goal two), reflects that the student completed the goal. Specifically, the progress report reflects the employment training goal (goal two) was measured in the manner required by the IEP.
 31. The July 10, 2023, IEP reflects the student's transition goal in the area of independent living. The goal states: "[The student] will follow health and safety procedures."
 32. The reports of the student's progress dated October 2023, for the student's annual transition goal in the area of employment training reflects that the student did not complete the goal (student choice). Specifically, the progress report reflects "[The student] worked on washing her hands, grooming activities, brushing teeth, and following safety expectations while in the community. She requires supervision and 2-3 verbal prompts to stay focused and alert."
 33. The July 10, 2023, IEP reflects the student's transition goal in the area of independent living states: "[The student] will prepare meals with assistance. The progress reported on the student's annual transition goals in the area of employment training in October 2023 reflects that the student did not complete the goal (student choice). Specifically, the progress report reflects "[The student warms up her lunch, prepares meals, and uses the microwave during classroom activities. She receives a gestural prompt to know the steps for a microwave. Otherwise, she does well following verbal directions. [The student] has been learning how to use kitchen tools and equipment to prepare food beyond microwave use, with 2-3 verbal prompts and adult assistance. [The student] is currently learning how to use more advanced kitchen tools such as knives and cutting boards, and how to cook on the stovetop."
 34. On November 6, 2023, the IEP team convened to update the annual IEP, discuss Extended School Year (ESY), and consider the need for transition services. The IEP team reviewed the student's quarterly progress reports, informal assessments, teacher reports, and classroom-based performance to update the present levels of performance in all areas of need. Additionally, the IEP team revised the IEP goals, noting those that were "achieved" and identifying areas where the student "did not make progress." The IEP team updated the Appendix A to determine the student was still eligible to participate in the Alternate Framework.

35. During the November 6, 2023, IEP meeting, the IEP team reviewed the "Annual Transition Summary." The team utilized data from the student's recent "Transition Planning Inventory Modified form" for students with "Significant Needs - second edition", completed on September 26, 2023, and a "Picture Interest Career Survey (PICS)."
36. The written summary of the IEP meeting indicates that the IEP team discussed and revised the student's post-secondary goals and transition activities in the areas of employment, education, and independent living. They specifically focused on transition activities aligned with the student's career goals in Consumer Services, Hospitality, and Tourism, which corresponded with her specific transition-related needs identified in the areas of "Working," "Social," and "Enterprising."
37. The November 6, 2023, IEP reflects in the area of transition, that the student has participated in the on campus vocational rotation where she took part in the "Custodial Group" and will have opportunities to participate in "Retail, Horticulture, Product Assembly/Clerical, Stocking/Supplies and Food Prep groups" within the school.
38. The November 6, 2023, IEP reflects the student's transition goal in the area of academics (goal one). The goal states: "[The student] will independently write/type her personal information (name, address, and phone number with 2 verbal prompts and [the student] will follow visual directions to complete 4 tasks."
39. The reports of the student's progress dated January 2024, for the student's transition goal in the area of academics (goal one), reflects that the student has partially completed the academic transition goal. Specifically, the progress report reflects the transition goal was measured in the manner required by the IEP.
40. The November 6, 2023, IEP reflects the student's transition goal in the area of academics (goal two). The goal states: "[The student] will follow visual directions to complete 4 tasks."
41. The reports of the student's progress dated January 2024, for the student's transition goal in the area of academics (goal two), reflects that the goal was not "not yet initiated."
42. The November 6, 2023, IEP reflects the student's transition goal in the area of employment training. The goal states: "[The student] will participate in vocational activities in the field of Consumer Services, Tourism & Hospitality. [The student] will practice completing a job application and interview."
43. The reports of the student's progress dated January 2024, for the student's transition goal in the area of employment training (goal one) reflects that the student partially completed the goal. Specifically, the progress report reflects the transition goal was measured in the manner required by the IEP.
44. The November 6, 2023, IEP reflects the student's transition goal in the area of employment training (goal two). The goal states: "[The student] will gather supplies needed to perform tasks and identify the steps of use for supplies gathered for the task."
45. The reports of the student's progress dated January 2024, for the student's transition goal in the area of employment training (goal two) reflects that the student "partially completed the goal." Specifically, the progress report reflects the transition goal was measured in the manner required by the IEP.

46. The November 6, 2023 IEP reflects the student's transition goal in the area of independent living. The goal states: "[The student] will follow health and safety procedures, personal hygiene and safety, with two verbal prompts (goal one) and [the student] will prepare meals with assistance (goal two)."
47. The reports of the student's progress dated January 2024, for the student's transition goal in the area of independent living reflects that the student "partially completed the goal." Specifically, the progress report reflects the transition goal was measured in the manner required by the IEP.
48. The November 6, 2023, IEP's PLAAFP reflects that in the academic domain, the student received a Woodcock-Johnson IV (WJIV) assessment on February 8, 2022. The assessment results indicate that the student is performing in the very low range in all academic areas.
49. The November 6, 2023, IEP's PLAAFP reflects in the area of reading, describing that "classroom performance shows that [the student] is able to recognize and identify some sight words through matching. Using visual supports, [the student] can verbally identify the main idea of a text and some key details. Informal assessments indicate that, when reading a story with picture support, [the student] can recall basic plot information and facts by looking back in the story and using picture supports." However, it also notes that "[the student] is unable to sound out some words with two letters and is unable to pronounce words with three or more letters. The IEP notes, when applying basic phonics skills, she also has difficulty sounding out letter blends of two letters together. When presented with basic words and picture supports, [the student] is unable to read them."
50. The November 6, 2023, IEP's PLAAFP also reflects that, based on "classroom performance data, [the student] has difficulty demonstrating phonemic awareness and applying phonemic strategies to sound out unfamiliar words. She needs picture support and teacher prompting to accurately read CVC words and identify sight words. [The student] requires verbal prompting to correctly answer multiple choice comprehension questions about a story using picture support. [The student] has difficulty independently answering comprehension questions from a story and informational text. She requires visual cues, picture supports and teacher prompting to correctly identify, describe and retell main ideas and key details. [The student] has difficulty going beyond the text when asked to make inferences about characters or events in a story."
51. The student was assessed in October 2023, using the Brigance Inventory of Basic Skills. The data from this assessment reflects that the student demonstrated skills at the "first grade level" in the area of reading phonics.
52. The November 6, 2023, IEP reflects the student's reading phonics goal. The goal states: "By November 2024, given picture cues, [the student] will read functional targeted content vocabulary words and match the word to the corresponding picture in 4 out of 6 fields to demonstrate her understanding in 4 out of 5 trials as measured by classroom-based assessment and observation record." This goal is similar to the previous goal from the July 2023 amended IEP.
53. The reports of the student's progress dated October 2023, that reported on the similar reading phonics goal from the July 2023 amended IEP reflects that the student was not making progress. The reports of the student's progress dated January 2024, reflect the student was making "sufficient progress" to meet her reading phonics goal. The progress report reflects the reading phonic goal was measured in the manner required by the IEP.
54. The November 6, 2023, IEP's PLAAFP reflects in the area of reading comprehension, and that the student is functioning at a "first-grade level". Furthermore, it reflects that the student demonstrated

strengths in identifying key details, such as main characters, settings, and "wh" questions, when provided with modified grade-level text along with picture/word support.

55. The November 6, 2023, IEP, reflects the student's reading comprehension goal. The goal states: "By November 2024, given a sequencing graphic organizer, modified instructional reading material, picture word support, and a reading passage read aloud by an adult, which includes 4 events or actions occurring within a sequence (first, then, next, last), [the student] will place picture/text response cards in sequential order in 4 out of 5 trials as measured by informal procedures and observation record."
56. The reports of the student's progress dated January 2024, reflect she was making "sufficient progress" to meet her reading comprehension goal. The progress report reflects the reading comprehension goal was measured in the manner required by the IEP.
57. The November 6, 2023 IEP's PLAAFP reflects in the area of math that, based on the WJIV assessment dated February 8, 2022, the student received a standard score in the very low range. According to classroom performance data, the student has demonstrated the ability to use coins and other visual aids as manipulatives to solve addition problems. Specifically, she can identify and use pennies, accurately adding pennies to complete single-digit addition problems with sums up to 10. The data also show that the student understands the concept of subtraction, utilizing visual supports for single digits with numbers less than five to subtract. She can mentally compute the difference for a subtraction problem when the minuend (number subtracted from) is five or less. However, the student encounters challenges in independently solving addition and subtraction problems with double digits. Additionally, she struggles in understanding number patterns that involve skip counting and telling time on an analog clock.
58. The November 6, 2023, IEP reflects the student's math problem solving goal. The goal states: "By November 2024, given the cost of two items up to \$20.00 and a budget (amount of money you have - up to \$20.00), [the student] will determine which item she can purchase in 4 out of 5 trials as measured by classroom data collection."
59. The reports of the student's progress dated January 2024, reflect that the student was making "sufficient progress" to meet her math problem solving goal. The progress report reflects the math problem goal was measured in the manner required by the IEP.
60. There is documentation indicating that the math problem-solving goal is not aligned with essential elements in math for the student's grade level..
61. The November 6, 2023, IEP's PLAAFP reflects in the area of written expression that the student received scores in the very low range. Her classroom performance shows that [the student] is able to write her name on the top of the schoolwork, write some letters upon request and write a simple sentence from a model. She has been observed copying information from the board (date and time). The student is unable to "when asked to write specific letters in isolation. When writing her name, she does not use appropriate capitalization." The IEP reflects the student will work on "composing a functional skill of composing a message in a variety of forms, such as text, e-mail, and message.
62. The November 6, 2023, IEP reflects the student's written expression goal. The goal states: "By November 2024, given picture/word strips, a written scenario in the format of a message (text, e-mail, message) read aloud, [the student] will compose up to two answer responses (two complete sentences) with no more than two verbal/gestural prompts in four out of five scenarios as measured by informal procedures and observation record." This goal is not aligned with the grade level standards or essential elements for the student's grade level.

63. The reports of the student's progress dated January 2024, reflect that the goal has not yet been introduced and "she will have a progress update at the end of the third quarter."
64. The November 6, 2023, IEP's PLAAFP reflects in the area of behavior that the student performed below age expectations. It further reflects that the student enjoys socializing with her peers and creating content on social media. She is appropriately assertive when requesting gender-appropriate assistance or advice in a predominantly male classroom. However, the student requires a consistent schedule and routine, along with antecedent interventions, social coaching, and modeling to learn appropriate replacement behaviors and social skills. The student tends to join in and encourage inappropriate behaviors in others by laughing loudly or making statements that antagonize others.
64. The November 6, 2023, IEP reflects the student's academic goal in the area of behavior. The goal states: "Given consistent implementation of her BIP, [the student] will engage in no more than 2 incidents of noncompliance per month for 3 consecutive months as measured by data sheets."
65. The reports of the student's progress dated January 5, 2024, reflect that the student is making "sufficient progress" toward meeting the goal. The progress report reflects goals were measured in the manner required by their IEP.
66. There is documentation that the IEP team updated the BIP on November 6, 2023, to address the areas of concern in aggression, verbal aggression, noncompliance, and disruption.

CONCLUSIONS:

ALLEGATION #1: REPORTING OF PROGRESS

Based on Findings of Facts #9, MSDE finds that the AACPS has not ensured that the student's progress towards obtaining an annual IEP reading phonics goal was measured in the manner required by their IEP, in October 2023, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation did occur with respect to this allegation.

Based on Findings of Facts #12,#15, #18- #19, #24, #26, #28, #30, #32, #34, #39, #41, #43, #45, #47, #53, #56, #59, #63, #65, MSDE finds that the AACPS has ensured that the student's progress towards obtaining annual IEP goals was measured in the manner required by their IEP, since July 2023, in accordance with 34 CFR §§300.320 and .323. Therefore, this office finds that a violation did not occur with respect to this allegation.

ALLEGATION #2: PROVISION OF A DEDICATED AIDE

Based on Findings of Fact # 4, MSDE finds that the AACPS was not required to provide the student with the support of a dedicated adult assistant, as required by their IEP, since July 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation did not occur with respect to this allegation.

ALLEGATION #3: DEVELOPMENT OF THE IEP

Based on Findings of Facts #1-#4, #7-#8, #10- #11, #13- #14, #16- #17, #20, #22- #23, #25, #27, #29, #31, #33, #34- #38, #40, #42, #44, #46, #48- #52, #54- #55, #57- #58, #60- #63, #64-66 MSDE finds that the AACPS has not ensured that the IEP developed for the student addresses their academic or transition needs, since July 2023, in accordance with 34 CFR §300.324. In this case, the math problem- solving and written

expression goals do not align with the essential element of the student's grade level. Therefore, this office finds that a violation did occur with respect to this allegation.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include 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.² 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 Sarah Denney, complaint investigator, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action³. Ms. Denney can be reached at (410) 767-7770 or by email at sarah.denney@maryland.gov.

Student-Specific

MSDE requires the AACPS to provide documentation by March 14, 2024, that the IEP team has taken the following actions:

- a. The student's progress that is not reported as required by the goals is revisited and progress reports are revised, as is possible.
- b. The student's goals are aligned with the grade level standards or essential elements for the grade level standards for the student's grade level.

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

² 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, 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.

³ MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

School-Based

MSDE requires the AACPS to provide documentation by May 1, 2024, of the steps taken to ensure that the violations do not recur at the [REDACTED].

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,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

AH/sj

- c: Dr. Mark T. Bedel, Superintendent, AACPS
Ms. Sonya McElroy, Director, Special Services and Nonpublic Placement, AACPS
Ms. Jennifer Brown, Program Manager of Compliance and Legal Issues, AACPS
[REDACTED], Principal, [REDACTED]
Ms. Alison Barmat, Branch Chief, Family Dispute Resolution, MSDE
Ms. Sarah Denne, Compliance Specialist, MSDE
Dr. Paige Bradford, Chief, Programmatic Support and Technical Assistance, MSDE
Ms. Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Ms. Stephanie James, Complaint Investigator, MSDE