

June 10, 2024

Redacted¹

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: #24-192

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and 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 April 9, 2024, the MSDE received a complaint from Redacted, 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.

MSDE investigated the following allegations:

1. The AACPS did not ensure that proper procedures were followed when determining the student’s educational placement for the 2023-2024 school year, in accordance with 34 CFR §§300.114 - .116.
2. The AACPS has not provided the student with a Free Appropriate Public Education (FAPE) in the educational placement required by the Individualized Education Program (IEP), since January 2, 2024, in accordance with 34 CFR §§300.101, .323 and .324.

BACKGROUND:

The student is nine years old and is identified as a student with Multiple Disabilities (MD) (Autism and Visual Impairment) under the IDEA. He attends [REDACTED] ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

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

ALLEGATION #1

PLACEMENT DETERMINATION

Findings of Fact:

1. On December 8, 2023, the student enrolled in Anne Arundel County Public Schools with an out-of-state IEP from [REDACTED] where the student had previously attended the [REDACTED].
2. The student's out-of-state IEP required the following supports and services:
 - The IEP required goals in the following areas:
 - Language Arts
 - Communication
 - Math
 - Related Services (Orientation and Mobility (O&M), fine motor, cane skills)
 - Social-Emotional
 - The IEP required the following special education services:
 - Visually impaired
 - "One-on-one, small group, and whole group instruction daily in the Expanded Core curriculum [with] strategies to access information, access to communication, and access to social/emotional learning [and] goals in sensory efficiency and pre-braille skills."
 - 552 minutes per week
 - Provided by the Visually Impaired Teacher
 - Behavior supports
 - "[The student] will receive direct instruction to model improved attending skills without refusal behavior."
 - 553 minutes per week
 - Provided by the Visually Impaired Teacher
 - Math
 - "[The student} will receive small group or 1 to 1 instruction for Math concepts including shape identification and number quantity identification using a multi-sensory approach."
 - 215 minutes per week
 - Provided by the Visually Impaired Teacher
 - Written Expression
 - "[The student] will receive direct small group and individualized instruction with guided repeated practice and feedback in pre-braille with finger placement and letter formation."
 - 75 minutes per week
 - Provided by the Visually Impaired Teacher

- Reading
 - “[The student] will receive direct small group and individualized instruction with guided repeated practice and feedback in pre-braille reading.”
 - 150 minutes per “week”
 - Provided by the Visually Impaired Teacher
- The IEP required the following related services:
 - Speech-Language
 - Direct speech-language services to address receptive and expressive language needs for accessing the curriculum in a 1:1, small group, or large group setting.
 - 240 minutes per quarter
 - Provided by the speech and language pathologist (SLP), speech-language therapist, or speech-language pathologist assistant
 - Occupational Therapy
 - “Services will be provided via an integrated model-direct OT services will be provided in a 1:1 and small group to address fine motor, sensory process, and technology services.”
 - 240 minutes per quarter
 - Provided by the Occupational Therapist or Occupational Therapist Assistant
 - Physical Therapy
 - “Direct services to address his walking skills and play skills as it relates to gross motor age-appropriate activity.”
 - 240 minutes per quarter
 - Provided by the Physical Therapist
 - Orientation & Mobility
 - “Direct O&M services will be provided 1:1, small group or whole group to address basic cane skills and O&M.”
 - 120 minutes per quarter
 - Provided by the O&M Instructor
 - Special Education Transportation with the use of a car seat.
- The IEP required the following supplementary aids, assistive technology, and services:
 - Perkins Braille Writer, daily;
 - Braille paper, daily;
 - Choice seating, daily;
 - White cane, daily;
 - Abacus and manipulatives, daily;
 - Braille and tactile books, daily;

- One-on-one support, “240 daily”;
- Sensory integration, as requested/daily; and
- Access to a weighted vest or compression, as needed/daily.

- The IEP required the following supports for school personnel:
 - Visually Impaired Training
 - 120 minutes per week
 - Provided by the Teacher of the Visually Impaired;
 - Indirect/consultative O&M Services
 - Up to 2 hours per quarter;
 - Indirect/consultative Speech Therapy
 - Up to 3 hours per semester
 - Provided by the SLP or Speech-Language Pathologist Assistant (SLPA);
 - Indirect/consultative Occupational Therapy service
 - Four hours per semester
 - Provided by the OT or OTA
 - Indirect/consultative Physical Therapy service
 - Up to 4 hours per quarter
 - Provided by the PT
 - Crisis Prevention Training
 - Yearly
 - All classroom staff
 - ABA training
 - Yearly
 - All classroom staff

- Access to a health aide to assist the student in areas of personal care/activities of daily living for 120 minutes per day to address the following needs:
 - Grooming
 - Toileting
 - Transfers
 - eating/feeding
 - Dressing
 - Mobility
 - Use of assistive devices; and
 - Safety monitoring.

- Indirect Occupational Therapy (OT) consult

- The student’s Least Restrictive Environment was listed as the “ [REDACTED] [REDACTED] at the [REDACTED] [REDACTED] because of his lack of vision and need for skills uniquely taught in the Expanded Core Curriculum in which he has limited access to non-disabled peers. [The student] requires a one on one due to his inability to cope with non-preferred activities and his aggressive behavior to himself and others.”

3. There is documentation that on December 12, 2023, a “Notice of Individualized Education Program (IEP) Team Meeting” was generated for a December 18, 2023, meeting. The notice reflects that the purpose of the meeting was to “review [the student’s] Document of Comparable Services. [The student] will enroll in [REDACTED] as of December 15, 2023, with an [out-of-state] IEP from [REDACTED].”
4. There is documentation that on December 12, 2023, the IEP clerk at [REDACTED] contacted the student’s parents to provide them with the IEP team notice for the December 18, 2023, IEP meeting and confirmed their attendance.
5. The Documentation of Comparable Services developed by AACPS on December 15, 2023, provided the following:
 - Vision services - six hours weekly;
 - O&M services - 15 minutes weekly;
 - SLP services - 30 minutes weekly, feeding protocol implemented;
 - OT services - 20 minutes weekly, consult support for using Braille writer, brushing not recommended due to AACPS guidelines;
 - PT services - 30 minutes weekly;
 - Academic services - 32 hours weekly, less related services, address academic goals;
 - Specialized transportation - curb-to-curb pick up and drop off, bus aide for guidance and safety, child safety seat;
 - Vision - weekly consult, vision training yearly for staff, Perkins Braille Writer, Braille paper, cane, tactile and braille books, choice seating, unshared adult support;
 - OT - consult periodically, sensory integration, monitoring and training of mealtime plan of care;
 - PT - consult as needed;
 - BCBA - consult periodically, crisis intervention, CPI trained staff;
 - O&M - consult periodically, O&M training for staff;
 - SLP - consult periodically, staff training for feeding protocol;
 - Preferential seating;
 - Rocking chair for breaks;
 - Multi-sensory experiences;
 - Manipulatives;
 - Read aloud to student;
 - Giving directions slowly allowing wait time;
 - Built-in breaks (currently 3 min on/3 min off);
 - Using tactilely defined spaces and calendar;
 - Modified assessments - currently using Alternative assessments and content; and
 - Unique curriculum will continue to be utilized.
6. There is documentation that on December 12, 2023, the SLP from [REDACTED] “emailed [the] parents to discuss mealtime concerns and gather information to develop a Mealtime Plan of Care (MPOC).”

7. On December 18, 2023, the IEP team at [REDACTED] ([REDACTED]) convened an IEP meeting to review the student's "Document of Comparable Services." According to the Prior Written Notice (PWN) generated after the meeting, the team met to discuss what services could be offered to the student at [REDACTED] since his enrollment at the school on [REDACTED]. The PWN reflects that the Alternate Curriculum Class (ACC) instructor shared that based on a review of the student's current IEP, it appeared that he was provided "...special education services all day in [a] structured environment, including lunch, recess, and Cultural Arts." The vision services teacher stated that "...AACPS has a fully staffed Vision Services Department as well as Orientation & Mobility (O&M) Specialist...and 2 Braillelists.[.] [The student] should be provided access to braille instruction all day [and] vision services will work in collaboration with the school team." The vision specialist shared that there may "appear to be a decrease in vision hours, but the academic goals at [REDACTED] will be supported by Special Educators with support from vision services." The student's parents shared that they moved to Maryland because they wanted the student to be placed at the Maryland School for the Blind (MSB) because of the community that it provides and the additional supports offered to parents of blind children. The student's parents shared that they "...placed a referral for MSB and said...there is an application to be completed for enrollment at MSB." The parents shared that they were interested in more than just an opportunity for the student to learn, but also to interact with peers and experience life skills that "require a different way of teaching." The PWN reflects the parents agreed to the proposed [REDACTED], Documentation of Comparable Services, and "[the student's parents] gave verbal approval that [the student] will receive all of his comparable services at [REDACTED]." The O&M provider stated that she would provide the staff at [REDACTED] with a demonstration of how the student should handle his cane, discussed how she would support the student's use of his cane in the school building, monitor what else the student may need, and work with the school staff. The SLP and OT providers shared how they could support the student in his current placement, and the OT provider stated that AACPS did not provide the "brushing program" that the parents requested, but AACPS did provide other sensory inputs. The vision specialist stated that the Braillelists would provide consult support, and she would work with the Braillelist while OT would work with the student on finger dexterity. It was stated that once the parents completed the loan agreement the student would be provided with a Braille Machine and vision services would provide direct instruction to use the Braille Writer.

The IEP team determined that the student would receive 32 hours daily of specialized instruction per week, including behavior services and related services, and "everything in braille will have a print copy for [the student's] instructors."

The IEP team determined that the student would continue to receive specialized transportation and a bus aide, and necessary adjustments would be made when the student's initial Maryland IEP was developed. It was suggested that a certified behavior analyst provide periodic consult, and it was shared that AACPS uses Crisis Prevention Intervention (CPI) to de-escalate student behavior.

The IEP team further determined that the instructional accommodations provided for the student included "preferential seating, rocking chair for breaks, multi-sensory experiences, manipulatives, read aloud to the student, giving directions slowly allowing wait time, built-in breaks..., using tactilely defined spaces and calendar, modified content and auditory presentation of reading content in the class, Expanded Core Curriculum for vision and Unique Learning Systems for academics."

The school team at [REDACTED] determined that it would be unable to implement the services proposed in the Document of Comparable Services. The AACPS Special Education Program Specialist stated that “the comparable services discussed [at the meeting were] based upon what can be provided for [the student] in the public-school setting within AACPS, [and] AACPS recommends that [the student] receives his services in a Developmental Center.” The AACPS Special Education Program Specialist further stated “we” will get to know the student “and determine if the comparable services discussed today are appropriate” and “AACPS...needs additional data to make [the recommendation for what is best for the student].” The AACPS Special Education Program Specialist stated that based on the documentation of comparable services, and the level of supports the student required, the school team recommended that the student receive services in an AACPS Developmental Center where he would receive a “...full day of specialized instruction for academics, behavior support within a small class [size] and adult support throughout the day. The Developmental Center closest to the family home school is the [REDACTED].” The AACPS team proposed “As of December 20, 2023, [the student] will be unenrolled from [REDACTED] [REDACTED]...[and] the parent will provide transportation to the [REDACTED] until AACPS finalized [the student’s] transportation services.”

The team then discussed transportation concerns, and the AACPS Special Education Program Specialist stated that she would “...reach out [to] the [REDACTED] team and program specialist for a smooth transition. [The student] is already on the [REDACTED] radar.”

The vision resource teacher stated that “there are vision supports already in place [at [REDACTED]]” and “there are other students at [REDACTED] with visual impairments and there is also a vision teacher there.”

It was then shared that “due to confidentiality reasons” the school team could not say how many students at [REDACTED] receive vision services, but that there is a “Vision TA that provides support for the [REDACTED] Staff [who will have access to the print instruction and] the vision teacher will help with support.”

It was shared that the student had attended [REDACTED] for two days.

The AACPS Special Education Program Specialist informed the parents that another meeting would be held within 30 days to determine if there was enough data to determine if the student met eligibility requirements or if additional data assessments would be needed, but if enough data existed the AACPS would develop the IEP at that time. The team then discussed the requirements for enrollment at MSB and the outreach programs provided there.

8. On December 18, 2023, The AACPS Special Education Program Specialist sent an email to AACPS staff, including the principal at [REDACTED], stating that a comparable services meeting had been held for the student that day, and the student’s parents were in agreement with the proposed services attached. The “Next Steps” included in the email stated:

- The student would attend [REDACTED] on December 19, 2023.
- The student’s expected start date for [REDACTED] was December 20, 2023, and the parents would provide transportation until it had been established by AACPS.

- [REDACTED] would unenroll the student at the end of the day on December 19, 2023, and [REDACTED] should enroll the student at the end of the day on December 19, 2023, or in the morning of December 20, 2023.
- The AACPS Special Education Program Specialist would submit the transportation form with a start date of January 9, 2024, to allow 10 business days for the service to be established.

The email also stated that the student had been on the team's radar, but the meeting was not held until December 18, 2023, because the parent had not enrolled the student at [REDACTED] until the previous Friday.

9. On December 19, 2023, the AACPS vision resource teacher emailed the AACPS Special Education Program Specialist sharing that the Teacher of the Visually Impaired at [REDACTED] had been contacted regarding the student, and the vision resource teacher and another AACPS staff member would meet at the school on December 20, 2023, to collaborate with staff.
10. On December 19, 2023, staff at [REDACTED] emailed AACPS district staff requesting support with a new student "with intensive vision needs". The email stated there were "urgent and immediate" supports that must be put in place for the student, and the family was coming on December 20, 2023, for a tour of the building and to meet the student's teacher.
11. On December 19, 2023, staff at [REDACTED] emailed the AACPS vision resource teacher stating that the student's parents would arrive at the school on December 20, 2023, for a tour and "intake", but the student would not be starting on December 20, 2023, because there was "much to put into place to prepare for him." It was requested that the AACPS vision resource teacher be present to meet with the teacher and attend the student intake.
12. On December 19, 2023, the AACPS vision resource teacher responded to the [REDACTED] staff in an email sharing that she, along with other AACPS staff and the Braillist would attend the meeting on December 20, 2023, "so you all can meet her/learn about our braille process."
13. There is documentation that on December 20, 2023, the student's parents came to [REDACTED] to discuss the student's arrival at [REDACTED]. The documentation reflects administrators and vision teachers were at the meeting, and the team discussed "relevant information" about the student, including his interests, strengths, behaviors, and feeding plan.
14. There is documentation that on January 12, 2024, the IEP team at [REDACTED] met to review available and current screening information to determine if an initial assessment of the student was needed. The PWN generated after the meeting reflects that a "Student Evaluation Plan" was developed as part of the student's initial out-of-state IEP process. The PWN states that the school team determined to assess the student in the areas of Intellectual/Cognitive, Academic, Communication, Motor, and Sensory, in addition to conducting a Functional Behavior Assessment (FBA). The PWN reflects the parent consented to the assessments, and the team would reconvene in 60 days to review the assessment results.

15. There is documentation that the IEP team reconvened on March 5, 2024, to review the initial assessment information to determine the student's eligibility and consider the need for specialized instruction. The PWN generated after the meeting reflects that the IEP team reviewed the Physical Therapy, Orientation/Mobility, Vision, Psychological, Communication, Academic, and Academic assessments and determined that the student was eligible under the disability category of Multiple Disabilities (Autism and Vision Impairment). Based on this information, the team determined that the student required specialized instruction in the areas of Vision, Orientation & Mobility, Academics, and Communication because "the documented difficulties have an adverse impact on [the student's] educational performance."
16. On March 15, 2024, [REDACTED] staff emailed the AACPS Vision Resource Teacher stating that the student's mother was concerned about the student receiving work to do at home which is not in Braille and that he cannot access. The parent shared her concerns that the student was not being sent home with braille materials, and the student was exhibiting behaviors of boredom. The [REDACTED] staff member shared that she invited the parent to observe and was also planning to meet with the student's classroom teacher that afternoon as the student was showing "a marked increase in behaviors such as hair pulling and scratching" that was not happening at home. The [REDACTED] staff member also inquired about the observation the Maryland School for the Blind was to conduct for the student.
17. On March 15, 2024, the AACPS Vision Resource Teacher emailed the [REDACTED] staff member. The email reflects that the MSB had come and collaborated with the Teacher of the Visually Impaired and other team members. The AACPS Vision Resource Teacher also shared that a meeting had taken place with the student's teacher regarding getting the student's assignments and materials brailled and adapted.
18. On March 15, 2024, the AACPS Teacher of the Visually Impaired emailed the [REDACTED] staff member and the AACPS Vision Resource teacher sharing that most of the student's "hand over hand braille was on pause" because the student was exhibiting inappropriate behaviors toward the teacher if she took a brief break from the hand over hand process. The Teacher of the Visually Impaired also shared that most of the "core cards" the student's classroom teacher was using were already brailled and used on a daily basis, and that the teacher was working on other strategies to assist the student with accessing the curriculum. The Teacher of the Visually Impaired agreed that the student's initial behaviors had been increasing and he was exhibiting new ones, but the teacher was doing what she could to prevent the student from harming himself.
19. On March 22, 2024, the IEP team at [REDACTED] convened to develop an initial IEP for the student and to determine if the student was eligible for Extended School Year (ESY) services. The PWN generated after the meeting reflects the team discussed the student's feeding and navigating concerns, as well as opportunities for the student to play and listen to music. The school-based team shared that since the team completed the student's FBA his behaviors have increased, although at the time of its development, there was no need for a Behavior Intervention Plan because the classroom strategies in place were effective. The student's classroom teacher shared that there are peers in the classroom who vocalize, which could be overstimulating for the student, and there have also been staffing changes. The parents shared that they have noticed behavior changes in the student when there are changes to his schedule, but the call that they received from the [REDACTED] principal was surprising

because the student's behavior had not changed at home, and they weren't aware that his behavior was so frequently an issue at school. The school-based team shared that behavior is communication and is not necessarily negative considering all of the changes that the student has been impacted by recently. The school-based team shared that they would work on preparing the student for changes that occur around him and may impact him.

The student's father inquired about the extra training that the student's dedicated aide would receive, and the Occupational Therapist shared that she would like to add a supplementary aide that targets the student's self-feeding skills. The Physical Therapist stated that she was not recommending physical therapy at that time but would remain on consult. The Orientation and Mobility specialist also shared that she would remain on consult and remain in contact with the physical therapist.

The team determined that the student would continue to participate within the alternative curriculum, and the Appendix A checklist was reviewed. The PWN reflects that the student "has a moderate/severe/profound disability that significantly impacts cognitive functioning and adaptive behaviors" and meets the criteria to participate in the Alternate Assessment.

The team reviewed the student's present levels of performance and updated the students' strengths and needs.

The team considered assistive technology and determined that the student required an assistive technology device but did not require assistive technology services. The team discussed the student's severe receptive and expressive language disorder and his difficulty with functional language. It was shared that the student has a reliable means of symbolic communication and uses a tactile adaptive picture communication symbol device that has been adapted by the vision specialist to aid with his communication and to help him learn new words or select a word when he is not able to remember one. The PWN reflects that "the student's primary learning medium is auditory paired with tactile support and exposure to braille."

The team discussed the student's instructional and assessment accessibility features, and testing environment needs. The team determined that the student required access to a Perkins Brailer for writing, in addition to other instructional needs. The team discussed staff considerations when interacting with the student, and the student's adult support needs. The team determined that the student would continue to receive speech, physical therapy, and Teacher of the Blind and Visually Impaired (TVI) services on consult.

It was determined that the student was eligible for ESY services, and the team reviewed the student's annual goals. The PWN reflects the team reviewed the student's IEP services and classroom and vision instruction were decreased from six hours to five hours per week. The team determined that the student would receive 25 hours and 40 minutes of classroom instruction outside of the general education setting; five hours weekly of vision services inside the classroom to address the student's pre-braille skills; speech services for one hour and 30 minutes weekly by an SLP or Speech-Language Pathologist Assistant to work on his functional communication needs; and one hour and 30 minutes weekly to address O & M goals and objectives.

The TVI shared that the student's comparable services from [REDACTED] placed him at six hours per week in Maryland, but she felt that based on the assessment results she feels that the student's needs could be met within five hours per week.

It was stated that the student receives one-to-one assistance in the classroom.

The team determined that the student's placement at a public separate day school was appropriate due to the student's need for "extensive modification and supports". The PWN reflects that the student's parents disagreed with that placement and requested a referral to MSB. The parents shared that they were told that [REDACTED] had 14 blind students and that there

would also be a blind student in their son's class; however, they have since learned that is not accurate and their son is the only verbal student in his class leaving him with no one to communicate with. The parents also shared that they did not feel that the student's needs were being met because he needs "like peers" and the student is being taught "like he has vision." The parents stated that five hours of visual instruction was not enough for learning braille, and the student benefits from hearing other students model how to complete tasks and navigate with canes.

The AACPS Coordinator of Special Services shared that a packet for the student would be prepared for MSB, the team was exploring MSB as a placement option and the referral process was currently active. The AACPS Vision Resource Teacher shared that when the staff at MSB observed the student at [REDACTED] on January 23, 2024, it was recommended that the student's IEP could be implemented at [REDACTED]. The parents requested a "visit summary" and the [REDACTED] team stated that it would be emailed to them.

20. The IEP developed for the student at the March 22, 2024, IEP meeting is dated March 22, 2024. The IEP requires the following special considerations and accommodations:

- Redirect student;
- Audio materials;
- Human reader or human signer for selected sections of the mathematics, science, and government assessments;
- Separate or alternate location;
- Frequent breaks;
- Hard copy braille edition;
- Tactile graphics;
- Human reader/human signer for ELA;
- Braille writer;
- ELA/Literacy selected response human scribe;
- Mathematics, science, government response human scribe;
- ELA/Literacy, constructed response human scribe; and
- Extended time (2x).

The IEP requires the following supplementary aids, services, program modifications, and supports:

- Use auditory directions first and upon request provide tactile model or support if needed, daily;
- Access to a Perkins Braille for writing, as needed;
- Access to braille as a form of literacy, daily;
- Access to math manipulatives and an abacus, daily;
- Provide a tactile schedule, daily;
- Encourage the use of independent tasks (shape sorter, puzzle, organization, finger manipulatives, fine motor tasks), daily;
- Provide multi-sensory experience and the use of real objects when possible, daily;
- Encourage two-hand exploration without the use of a fidget when appropriate, daily;
- Use of prepositional phrases and descriptive language when requesting [the student] to complete tasks especially ones that are undesirable, daily;
- Wait time to process verbal information and initiate actions before providing physical prompting, daily;
- Pre-planning for community-based instruction, and field trips, periodically;
- Pre-exposure to tactile materials before accessing them within a lesson or activity, daily;
- Auditory access to stories or books (human reader), daily;
- Adult support, daily;
- Provide manipulative and/or sensory activity to promote listening and focusing skills, daily;
- Advanced preparation for transitions, behavioral expectations, and changes to the activity or routine, daily;
- Provide structured breaks from tactile work, daily;
- Use of tactile expectation list before tasks (hands are down, feet are down, ears are listening, mouth is quiet), daily;
- Home-school communication system, daily;
- Use of positive/concrete reinforcers, as needed;
- First/then language, daily;
- Close proximity of an adult to monitor and de-escalate behaviors, daily;
- Break fine motor tasks down into smaller steps, as needed to learn/develop skills;
- Emergency evacuation plan, daily;
- Structure methods to facilitate self-feeding pureed textures and monitor the need for a mealtime plan of care, daily;
- Speech/language pathologist consult, as needed;
- Orientation and mobility console, periodically;
- Vision consult, as needed; and
- Physical therapist consult, periodically.

The IEP provides goals in the following areas:

- Functional communication;
- Orientation and mobility (2x);
- Vision (2x);
- Reading Comprehension;
- Math Number sense;
- Written expression; and
- Learning behaviors.

The special education services required by the IEP are as follows:

- Classroom instruction
 - 5 hours weekly, outside general education, provided by the Teacher of the Visually impaired; and
 - 25 hours and 40 minutes weekly, outside general education, provided by the special education teacher or instructional assistant.
- Related Services
 - Speech/Language
 - One hour and 30 minutes weekly, outside general education, provided by the SLP or SLA.
 - Transportation

The least restrictive environment for the student was determined to be a public separate day school for 32 hours outside of general education and 2 hours inside general education.

21. The report of progress toward the achievement of the annual IEP goals for the student is as follows:

- March 18, 2024
 - Fine motor
 - “By March 202, to address compensatory living skills as part of the expanded core curriculum, [the student] will push down all of the keys on the Braille writer with each finger individually when requested (verbal and/or minimal physical prompt) to assist in making the letters of his name on 4 of 5 measured opportunities as documented by therapist or teacher documentation with progress reported quarterly.”
 - Not making sufficient progress
 - By March 2024, to address independent living skills as part of the expanded core curriculum, [the students] will remove his backpack and jacket and hang it up in his cubby with verbal cues only on 4 out of 5 measured opportunities by therapist or teacher documentation with progress reported quarterly.”
 - Achieved
- April 5, 2024
 - Functional communication
 - “[The student will answer WH questions related to classroom activities with 80% accuracy with no more than 1 verbal cue over three sessions.”
 - Achieved
 - Language arts
 - “When presented with tactile pictures, [the student] will explore and identify 2/4 pictures when asked what questions in 3 out of 5 opportunities.”
 - Making sufficient progress to meet the goal

- “[The student] will follow 2 different length lines of braille from left to right with <2 verbal or physical prompts to begin in 3 out of 5 opportunities.”
 - Making sufficient progress to meet the goal
- “[The student] will be able to place fingers on keys 1-6 independently when requested and mark with minimal assistance in 3 out of 5 opportunities. Marks do not need to be isolated.”
 - Making sufficient progress to meet the goal
- Math
 - “[The student] will be able to identify common shapes, rectangles, hearts by either naming it or choosing the requested shape out of a choice of two in 2 out of 3 opportunities.”
 - Making sufficient progress to meet the goal
 - “[The student] will count and identify “how many?” when 20 or fewer objects are given in 3 out of 5 opportunities.”
 - Making sufficient progress to meet the goal
- Social-Emotional
 - “[The student] will engage in a non-preferred, adult-directed task for 7-minute intervals with no more than 3 multisensory prompts in 3 out of 5 presented opportunities measured by teacher documentation.”
 - Making sufficient progress to meet the goal
- Orientation and Mobility
 - “While traveling in his school environment, [the student] will independently solicit assistance to travel using the human guide technique in 2 out of 3 target trials by 3/21/2025.”
 - Newly introduced skill; progress not measurable at this time.
 - “Given verbal directions, [the student] will independently demonstrate his knowledge of positional concepts (above/below, in/out, front/back, left/right) and spatial concepts (object-to-object and object-to-self) in 3 out of 4 targeted trials by 03/21/2025.”
 - Newly introduced skill; progress not measurable at this time.

22. There is documentation that the student received the physical therapy service required by the IEP, except on March 4, 2024, and April 4, 2024, due to the student's absence.

23. There is documentation that the student received the occupational therapy services required by the IEP except on February 21, 2024, due to the student's absence.

CONCLUSIONS:

ALLEGATION #1

PLACEMENT DETERMINATION

Based on the Findings of Fact #1 to #16, MSDE finds that the AACPS did ensure that proper procedures were followed when determining the student's educational placement for the 2023-2024 school year, in accordance with 34 CFR §§300.114 -.116. Therefore, this office finds that no violation occurred concerning the allegation.

June 10, 2024

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ALLEGATION #2

PLACEMENT

Based on the Findings of Fact #1 to #23, MSDE finds that the AACPS has provided the student with a Free Appropriate Public Education (FAPE) in the educational placement required by the IEP, since January 2, 2024, in accordance with 34 CFR §§§300.101 and .323 - .324. Therefore, this office finds that no violation occurred concerning the 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 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

ALH/ebh

- c: Mark T. Bedel, Superintendent, AACPS
- Jennifer Brown, Program Manager of Compliance and Legal Issues, AACPS
- [REDACTED], Principal, [REDACTED], AACPS
- Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
- Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
- Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
- Tracy Givens, Section Chief, Dispute Resolution, MSDE
- Elizabeth B. Hendricks, Complaint Investigator, MSDE