

November 15, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

Ms. Sonya McElroy  
Ms. Diane McGowan  
Co-Directors of Special Education  
Anne Arundel County Public Schools  
1450 Furnace Avenue  
Glen Burnie, Maryland 21060

RE: [REDACTED]  
Reference: #25- 068

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

**ALLEGATION:**

On September 16, 2024, 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) concerning the above-referenced student.

MSDE investigated the allegation that the AACPS did not ensure that the student was provided with the speech-language services required by the Individualized Education Program (IEP) during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323.

**BACKGROUND:**

The student is 11 eleven years old and is identified as a student with multiple disabilities that include emotional disability and specific learning disability under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACT:**

1. In its written response, the AACPS acknowledges that the student did not consistently receive speech-language services during the 2023-2024 school year. Specifically, the AACPS acknowledges that due to the absence of the speech language pathologist, student unavailability due to school-wide testing, or band practice, the student is owed two 10-minute sessions and one 15-minute session of speech-language services from the 2023-2024 school year.
2. There is documentation that on October 31, 2024, the student received 35 minutes of speech-language therapy to make up the missed sessions.

**DISCUSSION AND CONCLUSION:**

As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP. 34 CFR § 300.323. "The general rule is that if the school district makes IEP services available to the student at a normally scheduled time, the school district is not obligated to make other arrangements to provide services if the student with a disability is absent from school at that time for reasons other than his or her participation in school-sponsored activities. If participation in the school activity is required, the school district must arrange to provide the services specified in the student's IEP so that the student can receive the IEP services and participate in other required school activities." (Technical Assistance Bulletin #19-03: Missed IEP Services, Maryland State Department of Education (2019)).

Based upon Findings of Fact #1 and #2, MSDE finds that the AACPS did not ensure that the student was provided with the speech-language services required by the IEP during the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323. MSDE concurs that a violation occurred.

Notwithstanding the violation, based upon Finding of Fact #2, MSDE finds that the AACPS provided the student with the missed speech-language services on October 31, 2024. Therefore, no further corrective action is required.

**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 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 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: Dr. Mark T. Bedell, 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  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
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Tracy Givens, Section Chief, Dispute Resolution, MSDE  
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