

December 18, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

Ms. Diane McGowan  
Co-Director Special Education  
Anne Arundel County Public Schools  
2644 Riva Road  
Annapolis, Maryland 21401

RE: [REDACTED]  
Reference: #25-105

Dear Parties

The Maryland State Department of Education (MSDE), Division of Early Intervention 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.

On October 21, 2024, MSDE received a complaint from [REDACTED], hereafter, “the complainants,” on behalf of the above-referenced student. In that correspondence, the complainants 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.

**ALLEGATION:**

MSDE investigated the allegation that the AACPS, has not ensured that the student is being provided with the special education instruction required by the IEP, since the start of the 2024-2025 school year in accordance with 34 CFR §§ 300.101 and .323.

**BACKGROUND:**

The student is 20 years old and is a student with multiple disabilities under the IDEA. He attends [REDACTED] and has an IEP that requires special education instruction and related services.

**FINDINGS OF FACT:**

1. The IEP in effect at the beginning of the 2024-2025 school year was developed on April 8, 2024. The IEP reflects that the following areas are impacted by the student’s disability: math problem solving; reading comprehension; speech-language expressive language; speech-language pragmatics; written-language content; social emotional/behavioral; social interaction skills; and sensory processing skills.

The IEP requires:

- 28 hours per week of special education instruction outside the general education setting to be provided by the special education teacher and/or instructional assistant;
  - one-hour thirty minutes per week on counseling outside of the general education setting;
  - one hour per week of speech-language services outside of the general education setting;
  - placement in a private separate day school; and
  - daily transportation to and from school as a related service.
2. The student's schedule includes a homeroom session from 8:05 am to 8:35 am, Monday through Friday, followed by first period classes from 8:37 am to 9:22 am. The first period rotation is as follows:
- Monday – Counseling group/Daily Living
  - Tuesday – Daily Living
  - Wednesday – Work-based Learning (soft skills)
  - Thursday - Community Living
  - Friday- Daily Living
3. The student's bus transportation log reflects he arrived late to school between 8:37 am – 9:16 am on the following days:
- September 11, 2024
  - September 26, 2024
  - September 30, 2024
  - October 1, 2024
  - October 2, 2024
  - October 14, 2024
  - October 15, 2024
  - October 16, 2024

#### **DISCUSSION AND CONCLUSION:**

In this case, the student's bus was late to school on eight occasions. On each occasion the student missed instructional time during first period.

Based on the Findings of Fact #1 through #3, MSDE finds that the AACPS has not ensured that the student was consistently provided with the special education instruction as required by the IEP, on September 11, 26, 30 2024 and October 1, 2, 14, 15, and 16, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds that a violation occurred concerning the allegation.

#### **CORRECTIVE ACTIONS AND 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 timeframes below to ensure that noncompliance is corrected in a timely manner.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

### **Student-Specific**

MSDE requires the AACPS to provide documentation by March 3, 2025, that the IEP team has taken the following actions:

- a. Provided the student with special education instruction as required by the IEP; and
- b. Convened an IEP team meeting and determined the compensatory services to remediate the violations identified through this investigation and developed a plan for the implementation of the services within one year of the date of this Letter of Findings.

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.

### **Similarly Situated Students**

MSDE requires the AACPS to provide documentation by March 3, 2025, that it has identified all students with disabilities under IDEA who are transported on this bus route. For those students identified, the AACPS must ensure that an IEP team convenes and determines any loss of services due to the bus arriving late to school, determines the amount and nature of compensatory services or other remedies to be provided to the student for the loss of services, and develops a plan for the provision of those services within one year of the date of this Letter of Findings.

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.

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<sup>1</sup> 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.

<sup>2</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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/ra

c: Dr. Mark T Bedell, Superintendent, AACPS  
Mary Tillar, Assistant Superintendent, Special Education, AACPS  
Jennifer Brown, Program Manager, Compliance and Legal Issues, AACPS  
Meghan Lynch, Coordinator, Nonpublic Placements, AACPS  
[REDACTED], Principal, [REDACTED]  
Dr. Brian Morrison, Branch Chief, Monitoring and Accountability, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Tracy Givens, Section Chief, Dispute Resolution MSDE  
Rabiatu Akinlolu, Complaint Investigator, MSDE