

January 17, 2025

[REDACTED]

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

RE: [REDACTED]
Reference: #25-142

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 November 19, 2024, MSDE received a complaint from [REDACTED], hereafter, “the complainant,” on behalf of the above-referenced student. 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 allegation that the AACPS did not ensure that the parent was provided with accessible copies of each document the Individualized Education Program (IEP) team planned to discuss at the November 4, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is nine years old and is identified as a student with a Specific Learning Disability (SLD) 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. On October 28, 2024, the AACPS emailed the complainant the following documents to be discussed at the November 4, 2024, IEP team meeting: student’s data sheets and student work, the Independent Educational Evaluation (IEE) Psychological/Academic report, the draft IEP, and progress notes.

2. On November 4, 2024, the IEP team convened to update the student's annual IEP. During the meeting, the IEP team members provided data and input on the student's Present Levels of Academic Achievement and Functional Performance (PLAAFP). The complainant inquired whether the data provided had been sent to her five days prior to the IEP meeting. Audio documentation confirms that IEP team members responded that the data in question had not been provided to her in advance.

During the IEP meeting, the complainant requested that the IEP meeting be rescheduled due to her not receiving all of the required data, and requested the data be sent to her by the end of the week.

3. On November 4, 2024, the complainant provided an email to members of the IEP team "requesting ALL documentation that was discussed/ mentioned by school staff in today's meeting for the [student] be sent for me to review within a timely manner. As it stands, [redacted] staff failed to follow the 5-day disclosure sending ALL documentation being discussed in today's meeting, hindering my parental participation as an equal member of the team."
4. On November 8, 2024, via email, the complainant received the additional data she requested for the student:
 - Quarter one reading and math scores/ standards;
 - iReady Diagnostic Math and Reading Results;
 - Occupational Therapy Session Notes; and
 - Speech Therapy Service Data from August 27, 2024, to November 4, 2024.

CONCLUSION:

ALLEGATION 1: PROVISION OF IEP DOCUMENT FIVE DAYS PRIOR TO IEP MEETING

In this case, the complainant alleges that the IEP team did not provide her with all the pertinent documents and data they intended to discuss in the November 4, 2024, IEP meeting and this lack of information hindered her ability to participate meaningfully in the decision-making process.

Consistent with Maryland Education Article § 8-405(c), school personnel must provide parents of students with disabilities an accessible copy of all assessments, reports, data charts, draft IEPs, or other documents the IEP team plans to discuss, at least five business days before the meeting (COMAR 13A.05.01.07).

Based on Findings of Fact #1 through #3, MSDE finds that the AACPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the November 4, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, this office finds that a violation occurred concerning the allegation.

Notwithstanding the violation, based on Finding of Fact # 4, MSDE finds that the complainant was provided with the additional requested data on November 4, 2024. Therefore, no student-based corrective action is required.

CORRECTIVE ACTION AND TIMELINE:

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 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.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

School-Based

MSDE requires the AACPS to provide documentation by March 31, 2025, of the steps taken to ensure that the violation does not recur at [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 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. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email at Tracy.Givens@maryland.gov. 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.

¹ 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, the 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.

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/sj

c: Mark T. Bedel, Superintendent, AACPS
Sonya McElroy, Director, Birth-5 Programs, Special Services and Nonpublic Placement, AACPS
Jennifer Brown, Program Manager of Compliance and Legal Issues, AACPS
[REDACTED], [REDACTED], Acting Principal, AACPS
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Stephanie James, Complaint Investigator, MSDE