



August 20, 2013

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Ms. Mary Tillar
Director of Special Education
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, Maryland 21401

RE: XXXXX
Reference: #14-004

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), 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.

ALLEGATION:

On July 8, 2013, the MSDE received a complaint from Ms. XXXXXXXXXX, hereafter, “the complainant,” on behalf of her daughter. 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.

The MSDE investigated the allegation that the AACPS did not ensure that the student was provided with the special education instruction from a special education teacher required by the Individualized Education Program (IEP) between the start of the 2012-2013 school year and December 21, 2102, in accordance with 34 CFR§ §300.101 and .323.

INVESTIGATIVE PROCEDURES:

1. Ms. Kathy Stump, Education Program Specialist, MSDE, was assigned to investigate the complaint.

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2. On July 10, 2013, Ms. Anita Mandis, Section Chief, Complaint Investigation Section, Family Support and Dispute Resolution Branch, MSDE, conducted a telephone interview with the complainant to clarify the allegation to be investigated.
3. On July 11, 2013, the MSDE sent a copy of the complaint, via facsimile, to Ms. Mary Tillar, Director of Special Education, AACPS; and Ms. Alison Steinfelds, Program Manager, Compliance and Legal Issues, AACPS.
4. On July 16, 2013, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, the MSDE notified Ms. Tillar of the allegation and requested that her office review the alleged violation.
5. On August 6 and 8, 2013, the AACPS provided the MSDE with information and documentation from the student's educational record, via electronic mail (e-mail).
6. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. Correspondence and attachments from the complainant to the MSDE, received on July 8, 2013;
 - b. IEP, dated April 23, 2012;
 - c. Special education teacher's schedule for the 2012-2013 school year; and
 - d. IEP progress reports, dated November 7, 2012 and December 21, 2012.

BACKGROUND:

The student is twelve (12) years old. She is identified as a student with a Specific Learning Disability under the IDEA and has an IEP that requires the provision of special education instruction. During the time period covered by this investigation, the student attended XXXXX XXXXXX, an AACPS public charter school.

During the period of time addressed by this investigation, the complainant participated in the education decision-making process and was provided with written notice of the procedural safeguards (Docs. a and b).

FINDINGS OF FACTS:

1. The IEP in effect from the start of the 2012-2013 school year until December 21, 2012 required that the student be provided with two and one-half (2½) hours of special education instruction in Language Arts per week. This instruction was to be provided by a special education teacher in the general education classroom in order to assist the student with achieving the annual IEP goal to improve her knowledge of word structures

and patterns and her ability to read “with automaticity.” The IEP does not require that the student be provided with one-to-one instruction (Doc. b).

2. The schedule for the special education teacher of the student documents that she was assigned to the student’s Language Arts classroom for two and one-half (2½) hours per week (Doc. c).
3. The IEP progress reports, dated November 7, 2012 and December 21, 2012, document that the annual goals were addressed and that the student made sufficient progress toward achieving them (Doc. d).

DISCUSSION/CONCLUSIONS:

The public agency is required to ensure that the student is provided with the special education and related services required by the IEP (34 CFR §300.101).

In this case, the complainant alleges that because the special education teacher worked with other students in her daughter’s Language Arts class, she could not have provided her daughter with the amount of specialized instruction required by the IEP (Doc. a and interview with the complainant).

Based on the Findings of Facts #1 - #3, the MSDE finds that there is documentation that the student was provided with the special education instruction, from a special education teacher, as required by the IEP, from the start of the school year until December 21, 2012. Therefore, the MSDE finds no violation regarding the allegation.

Please be advised that the complainant and the school system have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the Findings of Facts or Conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings. If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the Conclusions is necessary.

Upon consideration of this additional documentation, this office may leave its Findings and Conclusions intact, set forth additional Findings and Conclusions, or enter new Findings and Conclusions. Pending the decision on a request for reconsideration, the school system must implement any Corrective Actions consistent with the timeline requirements as reported in this Letter of Findings.

Questions regarding the Findings, Conclusions and Corrective Actions contained in this letter should be addressed to this office in writing. The complainant and the school system maintain the right to request mediation or to file a due process complaint, if they disagree with the

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identification, evaluation, placement, or provision of a Free Appropriate Public Education for the student, including issues subject to a State complaint investigation, consistent with the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or due process.

Sincerely,

Marcella E. Franczkowski, M.S.

Assistant State Superintendent

Division of Special Education/Early Intervention Services

MEF:ks

cc : Mamie Perkins
Alison Steinfelds
XXXXXXXXXX
Dori Wilson
Anita Mandis
Kathy Stump