



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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June 4, 2015

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

RE: XXXXX
Similarly-Situated Students
Reference: #15-073

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE), 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 May 18, 2015, the MSDE received a complaint from Ms. XXXXXXXX, hereafter, “the complainant,” on behalf of her daughter and other Anne Arundel County Public Schools (AACPS) students placed in nonpublic separate special education schools located in Baltimore City, Maryland. In that correspondence, the complainant alleged that the AACPS violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced students.

The MSDE investigated the allegation that the AACPS did not ensure that students placed by the AACPS were provided with transportation to nonpublic separate special education schools located in Baltimore City, Maryland between April 27, 2015 and May 5, 2015 while a State of Emergency was in effect, in accordance with 34 CFR §§300.101 and .323.

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INVESTIGATIVE PROCEDURES:

1. On May 6, 2015, the MSDE received correspondence from the complainant in which transportation concerns were raised.
2. On May 18, 2015, the complainant re-submitted the correspondence with addition information that was requested, after participating in a telephone interview with Ms. Marjorie Shulbank, Section Chief, Family Support Section, MSDE. On the same date, the MSDE sent a copy of the complaint, via facsimile, to Ms. Bobbi Pedrick, Director of Special Education, AACPS; and Ms. Alison Steinfelds, Supervisor of Equity Assurance and Compliance Unit, AACPS. The MSDE also sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation, copying Ms. Pedrick and requesting that her office review the allegation.
3. On May 26, 2015, Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, discussed the allegation with Ms. Steinfelds, by telephone, and requested that documents be provided.
3. On May 28, 2015 and June 1, 2015, the AACPS provided the MSDE with information and documentation to be considered in conducting the investigation.
4. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, listed below.
 - a. IEP, dated January 12, 2015; and
 - b. Letter to the complainant from the AACPS, dated May 13, 2015.

BACKGROUND:

The named student is fifteen (15) years old, is identified as a student with Autism under the IDEA, and is placed by the AACPS at the XXXXXXXXXXXX, a nonpublic separate special education school located in Baltimore City, Maryland (Doc. a).

SUMMARY OF FINDINGS AND CONCLUSIONS:

The AACPS acknowledges that the violation occurred and has offered mileage reimbursement for parents who transported students on days when the nonpublic schools were open. Further, the AACPS is offering an IEP team meeting to determine compensatory services for those students who were not transported to school on days when the nonpublic schools were open. The MSDE appreciates the steps that the school system has taken and does not require that additional corrective action be taken to remediate the violation (Doc. b and interview with the AACPS staff).

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Please be advised that the AACPS and the complainant have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the summary of findings and conclusions reported 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.

Questions regarding the summary of findings and conclusions 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 identification, evaluation, placement, or provision of a Free Appropriate Public Education (FAPE) for the student, including issues subject to the 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/am

c: George Arlotto
Alison Steinfels
XXXXXXXXXX
Dori Wilson
Anita Mandis
Cynthia Amirault
Sarah Spross
Linda Bluth
H. Leon Langley