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December 18, 2015

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One N. Charles Street, Suite 1215
Baltimore, Maryland 21201

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

RE: XXXXX
Reference: #16-036

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.

ALLEGATIONS:

On October 21, 2015, the MSDE received a complaint from Sally Stanfield, Esq., hereafter, “the complainant,” on behalf of the above-referenced student, and Mr. XXXXXXXX and Mrs. XXXXXXXX, his grandparents¹. 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 student.

The MSDE investigated the following allegations:

1. The AACPS has not ensured that the student’s Individualized Education Program (IEP) addresses his social, emotional and behavioral needs, since October 20, 2014, in accordance with 34 CFR §§300.101, .320, and .324.
2. With respect to the February 9, 2015 IEP team meeting, the AACPS did not provide the grandparents with the following:

¹ Under the IDEA, the definition of a parent includes an individual acting in the place of a biological or adoptive parent, including grandparents, with whom the student lives (34 CFR §300.30). In this case, the student lives with his grandparents, who are serving as his parents under the IDEA.

- a. The proposed IEP at least five (5) business days prior to the IEP team meeting, in accordance with 34 CFR §300.501 and COMAR 13A.05.01.07;
 - b. The completed IEP within five (5) business days after the IEP team meeting, in accordance with COMAR 13A.05.01.07; and
 - c. The prior written notice of the IEP team's decisions following the IEP team meeting, in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12.
3. With respect to the June 8, 2015 IEP team meeting, the AACPS did not provide the grandparents with the following:
 - a. Notice of the IEP team meeting, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07;
 - b. The proposed IEP at least five (5) business days prior to the IEP team meeting, in accordance with 34 CFR §300.501 and COMAR 13A.05.01.07;
 - c. The completed IEP within five (5) business days after the IEP team meeting, in accordance with COMAR 13A.05.01.07; and
 - d. The prior written notice of the IEP team's decisions following the IEP team meeting, in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12.

INVESTIGATIVE PROCEDURES:

1. On October 21, 2015, the MSDE provided a copy of the State complaint, by facsimile, to Ms. Bobbi Pedrick, Executive Director of Special Education, AACPS.
2. On October 26, 2015, the MSDE sent correspondence to the complainant that identified the allegations subject to this investigation. On the same date, the MSDE notified the AACPS of the allegations and requested that the AACPS review the alleged violations.
3. On October 30, 2015, Ms. Austin, Education Program Specialist, MSDE, conducted a review of the student's educational record at XXXXXXXXXXXX School. Ms. Alison Barmat, Program Manager of Legal Issues and Compliance, AACPS, was present as a representative of the AACPS and to provide information on the AACPS policies and procedures, as needed. On the same date, the AACPS provided documents to the MSDE for consideration.
4. On November 5 and 30, 2015 and December 3 and 9, 2015, the AACPS provided the MSDE with additional documentation for consideration.
5. On November 30, 2015, Ms. Austin and Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE conducted a site visit at XXXXXXXXXXXX School (XXXXXX XX) to review the student's educational record, and interviewed the following school staff:

- a. Ms. XXXXXXXX, Psychologist;
- b. Ms. XXXXXXXX, Counselor;
- c. Ms. XXXXXXXXXXXX, Social Worker; and
- d. Mr. XXXXXXXXXXXX, Assistant Principal.

Ms. Barmat participated in the site visit as a representative of the AACPS and to provide information on the school system's policies and procedures, as needed.

6. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
- a. Snapshot of the student's April 29, 2014 IEP, and Amended IEP, dated June 19, 2014;
 - b. Case history log notes of the school staff, September 2014 - October 2015;
 - c. Electronic mail communications (emails) between the school staff, dated September 2014 - October 2014, and emails between the school staff and the student's grandmother, dated September 2014 - March 2015;
 - d. Documentation of the student's attendance, including tardy arrivals and early dismissals, for the 2014-2105 school year;
 - e. Written summary of the October 14, 2014 IEP team meeting;
 - f. Reports of the student's progress towards achievement of the annual IEP goals, dated November 12, 2014, January 23, 2015, and June 18, 2015;
 - g. Amended IEP dated November 18, 2014 and written summary of the November 18, 2014 IEP team meeting;
 - h. Behavior Intervention Plans, dated November 18, 2014 and February 9, 2015;
 - i. Notice of the documents for parent review for the February 9, 2015 IEP team meeting, and Notice of the IEP team meeting scheduled for February 9, 2015;
 - j. Written summary of the February 9, 2015 IEP team meeting;
 - k. Amended IEP, dated February 13, 2015;
 - l. The school staff's notes of a conference with the student's grandparents on March 12, 2015, and the school staff's request for home teaching and re-entry plan, dated March 19, 2015;
 - m. Amended IEP, dated March 20, 2015;
 - n. Notice of the documents for parent review for the June 5, 2015 IEP team meeting;
 - o. Notice of the IEP team meeting scheduled for June 5, 2015, with note indicating that the student's grandmother requested rescheduling;
 - p. Notice of the IEP team meeting scheduled for June 8, 2015, and the parent response form;
 - q. IEP, dated June 8, 2015, and a written summary of the June 8, 2015 IEP team meeting;
 - r. IEP, dated September 29, 2015, and Prior Written Notice of the September 29, 2015 IEP team meeting;
 - s. The school staff's notes documenting the approval of HHT on September 9, 2015;

- t. Correspondence from the complainant alleging violations of the IDEA, dated October 16, 2015;
- u. IEP, dated November 6, 2015, and Prior Written Notice of the November 6, 2015 IEP team meeting; and
- v. Documentation of verification of home teaching services, with supporting documentation, dated November 18, 2015.

BACKGROUND:

The student is thirteen (13) years old, is identified as a student with Multiple Disabilities under the IDEA, including an Emotional Disability and Other Health Impairment related to Attention Deficit Hyperactivity Disorder (ADHD). The student attended XXXXXXXXX School for the 2014-2015 school year. At the start of the 2015-2016 school year, the student was enrolled at XXXXXXXXXX School. The student has an IEP that requires the provision of special education and related services (Docs. a, d and g).

During the period of time addressed by this investigation, the student's grandmother participated in the education-making process and was provided with written notice of the procedural safeguards (Docs. e, g, j and q).

FINDINGS OF FACTS:

1. The IEP in effect at the start of the investigation period was developed on April 29, 2014, and amended on June 19, 2014. The IEP includes annual goals to address the student's identified academic needs in reading, math, and written expression, as well as his social, emotional and behavioral needs. The IEP states that "at times, when [the student] is feeling overwhelmed, he will complain of physical ailments and ask to call home to be picked up from school" and will "insist on going home" (Doc. a).
2. In September 2014, the school staff documented the "steady decline" in the student's school attendance, including late arrivals and early dismissals. The school staff also documented the student's difficulty with coming to school and remaining in class. There is documentation that the school staff permitted the student to check-in with his grandmother through phone calls and texting cell phone at times during the school day in order to address his anxiety (Docs. b, c and e).
3. The student's attendance record reflects a pattern of early dismissals from school, beginning at the end of September 2014. There is documentation that the student's grandmother often choose to pick him up before the end of the school day (Docs. c and d).
4. On October 6, 2014, the student's grandmother sent an email to the school staff requesting an IEP team meeting to address her concerns about the student's social anxiety and its impact on his school attendance and home life (Doc. c).

5. On October 14, 2014, the IEP team convened. The written summary of the meeting indicates that the student's grandmother was removing him from school prior to the end of the full school day due to his anxiety. The IEP team discussed the student's difficulty with the morning routine of arriving at school, exiting the car, entering the school building, and attending his first two co-taught classes in the large general education setting. The IEP team agreed to an abbreviated school day for the student until October 27, 2015. The IEP team also revised the order of the student's class schedule, and agreed to place him in two (2) smaller separate special education classes for math and language arts classes on a trial basis for one (1) month (Doc. e).
6. On November 18, 2014, the IEP team reconvened to review the student's progress. The IEP team noted concerns about the student's difficulty with transitions between classes, lack of effort and motivation, and failure to complete classwork and assignments, and the need for incentives and positive reinforcement. The IEP team also discussed that the student was still not remaining at school for the full day, and considered suggestions of ways to gradually increase the student's attendance to a full school day (Doc. g).
7. At the November 18, 2014 IEP team meeting, the IEP team amended the IEP to require that the student receive instruction in math and language arts classes in a separate special education classroom. The IEP team also determined that the student required consult by a social worker, increased his counseling from one (1) fifteen (15) minute session per month to three (3) thirty (30) minute sessions per month.² In addition, the IEP team agreed to a proposed Behavior Intervention Plan (BIP) in order to address the student's escape and avoidance behaviors interfering with his attendance and completion of classwork (Docs. g and h).
8. The November 2014 and January 2015 reports of the student's progress towards mastery of the annual IEP goals reflect that the student was not making progress on several of his annual IEP goals, and was only making "minimal, "slight" or "limited" progress on the other IEP goals. The reports document that the student was struggling with anxiety and frustration, motivation to complete work and remain focused in class, and that he often put his head down to avoid classwork. The reports also reflect that the student continued to have excessive absences, frequent tardy arrivals and early dismissals, and that he required adult assistance to attend class. Additionally, the reports state that even on days when the school staff was able to "coax" the student from his grandmother's car and into the building, and after providing up to thirty (30) minutes of assistance required for the student to begin his school day, he frequently missed instruction by finding ways to "escape" from the classroom (Doc. f).

² The change in counseling to three (3) monthly sessions more than doubled the amount of counseling previously required by the IEP (Docs. a and g).

9. On January 26, 2015³, the school staff sent the student's grandmother documents intended for discussion at the IEP team meeting scheduled for February 9, 2015. The form sent by the school staff along with the documents indicates that portions of an IEP, including the present levels of performance, accommodations, supplementary supports and program modifications, proposed goals, and objectives, were sent to the student's grandmother. The form also reflects that other portions of the IEP were not provided in advance of the IEP team meeting because the content of those sections "cannot be predetermined" (Doc. i).
10. The AACPS reports that it is the practice of the school system not to send an entire draft IEP to parents prior to an IEP team meeting. The school system staff report that only the portions of the draft IEP in which it is proposing revisions are sent to parents in advance, while the remaining sections of the IEP are developed at IEP team meetings based on decisions made by the full IEP team (Interview with the school system staff).
11. On February 9, 2015, the IEP team reconvened. The written summary of the meeting documents that the draft IEP was sent to the student's grandmother along with the notice for the meeting, and reflects that the student's grandmother "did not have any concerns or questions about the material that was sent home" (Doc. j).
12. At the meeting, the IEP team reviewed the student's progress. The IEP team discussed that, while the student had made some progress in attendance, he was still not attending all classes on a consistent basis, was frequently tardy, continued to have difficulty remaining in classes for the entire duration, and was not attending school for the full school day. The IEP team documented that on days following an absence from school, the student has difficulty with organizing materials and locating work, asking for help when needed, and with initiating and timely completion of tasks (Docs. j and k).
13. The IEP team revised the annual IEP goals and identified additional supports including graphic organizers, daily checks for understanding and monitoring of work, and advance notice of schedule changes. The IEP team also determined that the student requires additional specialized instruction in general education co-taught classes for science and social studies. The IEP team reviewed the student's BIP, but did not make any changes based on the determination that he was making "slight progress" with the current strategies and interventions (Docs. h, j and k).
14. The written summary of the February 9, 2015 IEP team meeting indicates that the IEP team "finalized" the revisions to the IEP, and states that "copies of all finalized documents were sent home." The written summary also includes a section entitled "Five (5) Day Disclosure Rule" which reflects that the student's grandmother was provided a

³ There is also documentation that, on the same date, the school staff sent the student's grandmother notice of the IEP team meeting scheduled for February 9, 2015, and that on January 30, 2015 the student's grandmother indicated that she would attend the meeting (Docs. i and j).

copy of “reports/attachments” at the meeting. While there is no information identifying which “reports/attachments” were provided to the student’s grandmother, including written notice of the decisions made by the IEP team, the school system staff report that this section refers to the provision of documents that are developed and finalized at IEP team meetings (Doc. j and interview with the school system staff).

15. There is documentation that the student stopped attending school at the end of February 2015. On March 12, 2015, the school staff held a parent conference with the student’s grandmother to discuss the student’s attendance. On March 16, 2015, the student’s grandmother requested Home and Hospital Teaching (HHT) based on the student’s high level of anxiety, sleep disturbances, as well as issues with eating and gastrointestinal functioning reported to be occurring at home (Docs. b, d and l).
16. On March 19, 2015, the school staff recommended HHT for the student due to an Emotional Disability and “increasingly severe and problematic” behaviors, and developed a reentry plan for him to return to school. The documentation reflects the student’s numerous absences and regular tardy arrivals and early dismissals prevent him from participating in a full day of class instruction, and that the student’s low frustration tolerance and quick fatigue are interfering with his educational instruction at school. The documentation also reflects that the student had “limited success” with interventions attempted by the school staff, which included the following:
 - Changes to the student’s class schedule;
 - Modified schedule allowing the student to attend fewer classes each day based on a shortened school day;
 - Placement in a separate special education classes with one-to-one support and low student-to-teacher ratio;
 - School staff support to assist the student in transitioning from the car to the school building;
 - Breaks from class with behavioral support school staff;
 - Supervised use of his cell phone to allow check-ins with his grandmother;
 - Use of a behavior point chart and incentives;
 - Individual counseling to the student by several school staff members;
 - Regular consults by the school psychologist and school social worker with the school staff for advice and assistance in the classroom; and
 - Supports through the development of a BIP, including praise and positive reinforcement, prompting, extended time for the completion of work, and incentives for attendance and remaining in class (Docs. b, c, f, g, h, l and m).
17. On March 20, 2015, based on the data, the IEP team amended the student’s IEP to reflect the provision of HHT until May 22, 2015. The school system staff report that the continuation of HHT for the student was approved for the remainder of the 2014-2015 school year (Docs. l and m, and interview with the school system staff).

18. There is documentation that on June 1, 2015, the school staff sent the student's grandparents documents intended to be discussed and reviewed at the IEP meeting scheduled for June 5, 2015⁴ (Doc. n).
19. There is documentation that on June 3, 2015, the school staff sent the student's grandmother notice of the IEP team meeting re-scheduled for June 8, 2015, and that the student's grandmother waived the right to receive notification of the meeting ten (10) days in advance (Doc. p).
20. On June 8, 2015, the IEP team reconvened. The written summary of the meeting documents that the draft IEP was sent to the student's grandmother along with the notice for the meeting, and reflects that the student's grandmother "did not have any concerns or questions about the material that was sent home" (Doc. q).
21. At the June 8, 2015 IEP team meeting, the IEP team revised the social/emotional goal and objectives and increased counseling sessions to four (4) times per month. The IEP team also determined that the student requires specialized instruction in all of his core classes in a separate special education classroom. The IEP team discussed that, for the 2015-2016 school year, the student's current home school, XXXXXXXXXXXX School, would not be able to provide the amount and type of specialized instruction identified by the IEP to meet his needs.⁵ The IEP team determined that the student's needs could be met at XXXXXXXXXXXX School in the program for students with emotional disabilities, and added transportation to his IEP. There is documentation of the grandparents' disagreement with the change in the location of the student's school placement for the 2015-2016 school year (Doc. q).
22. The written summary of the June 8, 2015 IEP team meeting indicates that the IEP team "finalized" the revisions to the IEP, and states that "copies of all finalized documents were given to parents at the meeting." The written summary also includes a section entitled "Five (5) Day Disclosure Rule" which reflects that the student's grandmother was provided a copy of "reports/attachments" at the meeting. While there is no information identifying which "reports/attachments" were provided to the student's grandmother, including written notice of the decisions made by the IEP team, the school system staff report that this section refers to the provision of documents that are developed and finalized at IEP team meetings (Doc. j and interview with the school system staff).

⁴ The IEP meeting scheduled for June 5, 2015 was rescheduled for June 8, 2015, at the request of the student's grandmother (Doc. o).

⁵ The school staff report that due to changes in the allocation of resources by the AACPS, XXXXXXXXXXXX School would no longer provide instruction in separate special education classes after the end of the 2014-2015 (Interview with the school system staff).

23. The student did not return to school at the start of the 2015-2016 school year due to “severe anxiety.” Based on information from the student’s private medical provider, the AACPS approved HHT for the student on September 9, 2015 (Doc. t).
24. On September 29, 2015, the IEP team reconvened. The IEP team considered that the student has “such high levels of fear and anxiety” that he is unable to attend school. The IEP team developed a reentry plan for the student. Beginning October 26, 2015, the plan required the student to begin attending school on a part-time basis, with the support of the HHT provider. Thereafter, the plan required a gradual increase in the length of time that the student would attend school, over a period of four (4) weeks, until his full return to a complete school day on November 24, 2015. There is documentation that the student did not return to school in accordance with the reentry plan (Docs. r and u, and interview with the school staff).
25. On November 6, 2015, the IEP team reconvened. Based on information from the student’s private medical provider, the IEP team agreed to extend HHT to the student until December 14, 2015, and revised the reentry plan to begin his gradual return to school on November 9, 2015. The Prior Written Notice of the meeting reflects that the student’s grandmother disagreed with the reentry plan and declined to accept transportation by the AACPS to assist in getting the student to school (Doc. u).
26. There is no documentation that the student has attended school since the start of the 2015-2016 school year (Interview with the school system staff).

DISCUSSION/CONCLUSIONS:

Allegation #1: IEP That Addresses The Student’s Social, Emotional and Behavioral Needs Since October 20, 2014

The public agency must offer each student with a disability a Free Appropriate Public education (FAPE) through an IEP that includes special education and related services that address the student’s identified needs. In developing each student’s IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a child whose behavior impedes his or her learning or that of others, the IEP team must consider positive behavioral interventions and supports, and other strategies, to address that behavior (34 CFR §§300.101, .320 and .324).

In this case, the complainant alleges that the AACPS did not provide the student with a FAPE because his “severe anxiety and school phobia” prevented him from attending school on a regular basis and accessing instruction in his classes.

Based on the Findings of Facts #1 - #8, #12, #13, #15 - #17, #21, and #23 - #25, the MSDE finds that the AACPS considered the concerns of the student’s grandparents, developed and attempted

numerous positive behavioral interventions and supports, increased supplementary aids and related services, revised the annual IEP goals, and made changes in the student's placement in order to address the student's behavior which interfered with his ability to access instruction in the traditional school setting.

Further, based on the Findings of Facts #15 - #17, #23 - #25, the MSDE finds that there is documentation that the student was provided HHT during times when he was unable to attend school. Therefore, this office finds that the documentation does not support the allegation, and does not find that a violation occurred with respect to the allegation.

Allegations #2 and #3: Notice of IEP Meetings & Provision of Documents For Review Prior to the IEP Meetings; Provision of IEP and Prior Written Notice Following the IEP Meetings

In order to ensure parent participation in IEP team meetings, the public agency must provide parents with the opportunity to attend and participate in IEP team meetings, including notifying the parent of the meeting early enough to ensure that the parent will have an opportunity to attend and scheduling the meeting at a mutually convenient time and place. The public agency must also provide parents with written notice at least ten (10) days in advance of the meeting (34 CFR §300.322 and COMAR 13A.05.01.07).

At least five (5) business days prior to a scheduled IEP team meeting, the public agency must ensure that parents are provided with a copy of each assessment, report, data chart, and draft IEP (to the extent one has been developed) that the team plans to discuss at the meeting (COMAR 13A.05.01.07).

Further, not later than five (5) business days after a scheduled IEP team meeting, school personnel must provide a copy of the completed IEP to the parent (COMAR 13A.05.01.07).

The public agency is also required to provide parents with written notice before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to students. This notice must include information about the decisions made, the basis for the decisions, the data used when making the decisions, and the options considered by the team. The purpose of providing prior written notice is to ensure that parents have sufficient information in order to determine whether they wish to exercise their right to access the dispute resolution procedures if they disagree with the IEP team's decisions (34 CFR §300.503).

February 9, 2015 IEP Team Meeting

Based on the Findings of Facts #9 - #11, the MSDE finds that, prior to the February 9, 2015 IEP team meeting, there is documentation that the BCPS sent the student's grandmother portions of the draft IEP that were prepared in advance of the meeting containing revisions proposed by the

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school staff. Therefore, the MSDE does not find a violation with regard to this aspect of the allegation.

Based on the Finding of Fact #14, the MSDE finds that there is documentation that the AACPS provided the student's grandparents with the completed IEP at the February 9, 2015 IEP team meeting, and therefore does not find a violation with respect to this aspect of the allegation.

However, based on the Finding of Fact #14, the MSDE finds that the documentation is unclear as to whether the student's grandparents were provided written notice of the IEP team's decisions at the February 9, 2015 IEP team meeting. Therefore, the MSDE finds a violation occurred with regard to this aspect of the allegation.

June 8, 2015 IEP Team Meeting

Based on the Findings of Facts #18 and #19, the MSDE finds that the June 8, 2015 IEP team meeting was scheduled at the request of the student's grandmother. Based on the same Findings of Facts, the MSDE finds that the AACPS did not provide the student's grandmother with notice of the June 8, 2015 IEP meeting at least ten (10) days in advance of the meeting. Therefore, the MSDE finds a violation occurred with respect to this aspect of the violation.

However, based on the Findings of Facts #18 and #19, the MSDE finds that, notwithstanding the violation, the AACPS convened the June 8, 2015 IEP team meeting on the date requested by the student's grandmother. Therefore, no corrective action is required because the AACPS convened the June 8, 2015 IEP team meeting on a date that was convenient to the student's grandmother.

Based on the Findings of Facts #10, #11, and #18 - #20, the MSDE finds that, prior to the June 8, 2015 IEP team meeting, there is documentation that the AACPS sent the student's grandmother portions of the draft IEP that were prepared in advance of the meeting containing revisions proposed by the school staff. Therefore, the MSDE does not find a violation with regard to this aspect of the allegation.

Based on the Finding of Fact #22, the MSDE finds that there is documentation that the AACPS provided the student's grandparents with the completed IEP at the June 8, 2015 IEP team meeting, and therefore does not find a violation with respect to this aspect of the allegation.

However, based on the Finding of Fact #22, the MSDE finds that the documentation is unclear as to whether the student's grandparents were provided written notice of the IEP team's decisions at the June 8, 2015 IEP team meeting. Therefore, the MSDE finds a violation occurred with regard to this aspect of the allegation.

CORRECTIVE ACTIONS/TIMELINE:

Student-Specific

The MSDE requires the AACPS to provide documentation, by February 1, 2016, that the student's grandparents have been provided with prior written notice of the determinations made at the February 9, 2015 and June 8, 2015 IEP team meetings, as required by CFR §300.503.

Systemic

The MSDE requires the AACPS to provide documentation, by March 1, 2016, of the steps it has taken, including appropriate staff training, to ensure compliance by all AACPS schools with the IDEA and related State requirement that prior written notice is provided to parents each time the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a FAPE to the student in accordance with 34 CFR §300.503.

Documentation of all corrective action taken is to be submitted to this office to: Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that both the complainant and the AACPS 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 requirement as reported in this Letter of Findings.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The school system and the student's grandparents maintain the right to request mediation or to file a due process complaint, if they disagree with the identification,

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

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

c: XXXXXX
 XXXXXX
 George Arlotto
 XXXXXX
 XXXXXXXXXXXX
 XXXXXXXXXXXX
 Anita Mandis
 K. Sabrina Austin
 Nancy Birenbaum