



Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street, Baltimore, MD 21201 410-767-0100 410-333-6442 TTY/TDD

June 15, 2011

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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: #11-091

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 6, 2011, MSDE received a complaint from Ms. XXXXXXXXXXXX, 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. MSDE investigated the allegation that AACPS did not provide the student with the verbatim reading accommodation required by the Individualized Education Program (IEP) during the administration of the Maryland State Assessments (MSAs) for English on March 8 and 9, 2011, in accordance with 34 CFR §300.101.

INVESTIGATIVE PROCEDURES:

1. Ms. Christine R. Hartman, Education Program Specialist, MSDE, was assigned to investigate the complaint.
2. On May 10, 2011, MSDE sent a copy of the complaint, via facsimile, to Ms. Mary Tillar, Director of Special Education, AACPS.

XXX

Ms. Mary Tillar

June 15, 2011

Page 2

3. On May 20, 2011, Ms. Hartman conducted a telephone interview with the complainant and clarified the allegation to be investigated.
4. On May 23, 2011, MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, MSDE notified Ms. Tillar of the allegation and requested that her office review the alleged violation.
5. On June 1, 2011, Ms. Hartman conducted a telephone interview with Ms. XXXXXXXX, Principal of XXXXXXXXXXXX (XXXXXXX), concerning the allegation. Ms. Ellen Meyer, Coordinator of Compliance, AACPS, participated in the telephone call as a representative of AACPS and to provide information on AACPS policies and procedures, as needed.
6. MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings (LOF), which includes:
 - a. IEP, dated August 18, 2010;
 - b. IEP Team Meeting Report, dated August 18, 2010; and
 - c. Correspondence from the complainant to MSDE, dated May 6, 2011.

BACKGROUND:

The student is twelve (12) years old and is identified as a student with a visual impairment under IDEA. During the 2010-2011 school year, the student has attended XXXXXXXX, where she receives special education instruction and related services. 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 IEP team decisions and notice of the procedural safeguards (Docs. a and b).

SUMMARY OF FINDINGS/CONCLUSIONS:

The complainant alleges that while the student's IEP requires that the student be provided with the use of both tactile (XXXXXX) and auditory (verbatim reader) accommodations during tests the student was not provided with a verbatim reader during her participation in the English MSA on March 8 and 9, 2011. In response, AACPS personnel acknowledge that the verbatim reader accommodation was not provided to the student during the English MSA. MSDE appreciates the acknowledgement, and based upon this information, MSDE finds a violation occurred with respect to this allegation (Docs. a-c and interview with AACPS staff).

XXX
Ms. Mary Tillar
June 15, 2011
Page

CORRECTIVE ACTIONS/TIMELINES:

Student-Specific

MSDE requires AACPS to provide documentation by the start of the 2011-2012 school year that the IEP team has convened and determined whether the violation has had a negative impact on the student's ability to benefit from her educational program, and, if so, the remedy to be provided to the student. AACPS must provide the complainant with proper written notice of the team's determinations, as required by 34 CFR §300.503, including a written explanation of the basis for the determinations. If the complainant disagrees with the IEP team's determinations, she maintains the right to request mediation or file a due process complaint to resolve the dispute consistent with IDEA.

School-Based

MSDE requires AACPS to provide documentation by the start of the 2011-2012 school year of the steps it has taken to determine if the violation identified in the LOF is unique to this case or if it represents a pattern at XXXXXXXXXXXX. Specifically, the school system is required to conduct a review of student records, data, or other relevant information to determine if the regulatory requirements are being implemented and must provide documentation of the results of this review to MSDE. If the school system reports compliance with the requirements, MSDE staff will verify compliance with the determinations found in the initial report.

If the school system determines that the regulatory requirements are not being implemented, the school system must identify the actions that will be taken to ensure that the violations do not recur. The school system must submit a follow-up report to document correction within ninety (90) days of the initial date that the school system determines non-compliance. Upon receipt of this report, MSDE will re-verify the data to ensure continued compliance with the regulatory requirements, consistent with the requirements. Additionally, the findings in the LOF will be shared with MSDE's Office of Quality Assurance and Monitoring for Continuous Improvement for their consideration for future monitoring activities.

Documentation of all corrective action taken is to be submitted to this office to the attention of: Chief, Complaint Investigation/Due Process Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties through Mrs. Martha J. Arthur, Education Program Specialist, MSDE. Mrs. Arthur may be contacted at (410) 767-0255.

Please be advised that the parties have the right to submit additional written documentation to this office within fifteen (15) days of the date of this LOF if they disagree with the findings of fact or conclusions. The additional written documentation must not have been provided or

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Ms. Mary Tillar

June 15, 2011

Page 4

otherwise been available to this office during the complaint investigation and must be related to the issues identified and addressed in the LOF. Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, amend its findings and conclusions, 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 the corrective action consistent with the timeline requirement as reported in this LOF.

Questions regarding the findings of fact, conclusions or corrective action contained in this LOF should be addressed to this office in writing. The school system and the complainant 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 a State complaint investigation, in accordance with IDEA. The MSDE recommends that this LOF be included with any request for mediation or the filing of a due process complaint.

Sincerely,

Carol Ann Heath, Ed.D.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

CAH/crh

cc : Kevin M. Maxwell
Ellen Meyer
XXXXXXXX
Dori Wilson
Christine R. Hartman