



September 26, 2022

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[REDACTED]
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Ms. Sonya McElroy
Ms. Diane McGowan
Co-Directors of Special Education
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, Maryland 21401

RE: [REDACTED]
Reference: #23- 021

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education 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.

ALLEGATIONS:

On August 4, 2022, the MSDE received a complaint from Mr. [REDACTED] and Ms. [REDACTED] hereafter “the complainants,” on behalf of their daughter, the above-referenced student. In that correspondence, the complainant alleged that the 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 following allegations:

1. The AACPS has not provided you with access to the student’s educational record, specifically reading post and pre-test scores, since March 24, 2022, in accordance with 34 CFR §§300.501 and .613.
2. The AACPS has not ensured that the student has been provided with the special education instruction and related services required by the Individualized Education Program (IEP) since the start of the 2021- 2022 school year, in accordance with 34 CFR §§300.101 and .323. Specifically, the student was not provided with the daily research-based reading intervention, the read-aloud, and the highlighting accommodations required by the Individualized Education Program (IEP).
3. The AACPS has not ensured that the student’s progress towards achievement of her annual IEP goals were measured as required by the IEP during the 2021-2022 school year, in accordance with 34 CFR §§300.101 and .324.

BACKGROUND:

The student is thirteen (13) years old and is identified as a student with multiple disabilities based on specific learning disability, speech or language impairment under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1 **Access to Student's Educational Record**

FINDINGS OF FACTS:

1. There is email documentation from the complainant to AACPS staff dated March 16, 2022, that reflects a request for access to the student's most recent IEP and reading data.
2. There is email documentation from the AACPS staff to the complainant that reflects that on March 25, 2022, "progress reports from the school year, running record charts from the intervention, and the 2/2/2022 recovery/ compensatory plan (RCP)" were sent to the parent.

CONCLUSION:

Based upon the Findings of Facts #1- #2, the MSDE finds that the AACPS has provided the complainant with access to the student's educational record, specifically reading data and progress information as requested, since March 24, 2022, in accordance with 34 CFR §§300.501 and .613. Therefore, this office does not find a violation occurred with respect to allegation #1.

ALLEGATION #2 **Special Education Instruction and Related Services**

FINDINGS OF FACTS:

3. The student's IEP developed on September 15, 2021, requires that the student be provided with 7 hours 30 minutes weekly of special education services in the general education classroom provided by the special education teacher, general education teacher, or instructional assistant. More specifically, the student "will receive 2.5 hours a week of services in mathematics to address her math goals and objectives, which will be provided inside of the co-taught general education math classroom. The student will receive 2.5 hours per week of reading services a week inside of the co-taught Language Arts general education classroom. The student will receive 2.5 hours per week of reading and writing services to address reading and writing goals and objectives, which will be delivered inside the co-taught Science and Social Studies general education classrooms."
4. The student's IEP developed on September 15, 2021, reflects the supplementary aids, services, program modifications, and supports that require the student to receive a daily research-based reading intervention.
5. The student's IEP developed on September 15, 2021, requires that the student be provided with accommodations, including:
 - text-to-speech for mathematics, science, and government assessments
 - text-to-speech for the ELA/Literacy Assessments, including items, response options,

- and passages
 - human reader/ human signer for ELA
 - access to text to speech software or device; daily
 - research-based reading intervention; daily
6. The student's IEP developed on September 15, 2021, does not require that the student be provided with a highlighting accommodation.
 7. The student's IEP developed on September 15, 2021, reflects that she was enrolled in a "corrective reading tier 2 intervention, with a focus on decoding, fluency, and comprehension for 45 minutes weekly."
 8. The student's IEP developed on May 20, 2022, requires that the student be provided with 8 hours 30 minutes weekly of special education services in the general education classroom provided by the special education teacher, general education teacher, or instructional assistant. More specifically, the student "will receive 2.5 hours a week of services in mathematics to address her math goals and objectives, which will be provided inside of the co-taught general education math classroom. The student will receive 2.5 hours per week of reading services a week inside of the co-taught Language Arts general education classroom. The student will receive 3.5 hours per week of reading and writing services to address reading, writing, and curricular vocabulary goals and objectives, which will be delivered inside the co-taught Science and Social Studies general education classrooms."
 9. The student's IEP developed on May 20, 2022, reflects the supplementary aids, services, program modifications, and supports that require the student to receive a daily research-based reading intervention.
 10. The student's IEP developed on May 20, 2022, requires that the student be provided with accommodations, including:
 - text-to-speech for mathematics, science, and government assessments
 - text-to-speech for the ELA/Literacy Assessments, including items, response options, and passages
 - human reader/ human signer for ELA
 - access to text to speech software or device
 - research-based reading intervention
 11. The student's IEP developed on May 20, 2022, does not require that the student be provided with a highlighting accommodation. Under program modifications, it reflects, "assignments with text can be separated by lines or space, the use of post-it's to summarize what is being read, highlighting/ underling as reading, stop and think questions, etc., are ways to chunk text."
 12. There is documentation that the student was enrolled in the Read to Achieve 8 intervention during the 2021- 2022 school year, on an A-day/B-day schedule. There is documentation that she earned the following grades while enrolled in the Read to Achieve 8 intervention: 1st MP: 98, 2nd MP: 99, 3rd MP: 100, and 4th MP: 100.

13. The McGraw Hill website reflects that the Read to Achieve intervention program is a research-based intervention.
14. There is documentation of the student being provided with text-to-speech for mathematics, science, and government assessments, text-to-speech for the ELA/Literacy Assessments, including items, response options, and passages, and daily access to text-to-speech software or device during the 2021- 2022 school year.

CONCLUSION:

Based upon the Findings of Facts #3, #5, #6, #8, #10, #11, #12, and #14, the MSDE finds that the AACPS has ensured that the student has been provided with the special education instruction and related services, specifically the read-aloud and the highlighting accommodation required by the IEP since the start of the 2021- 2022 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to this aspect of allegation #2.

Based upon the Findings of Facts #4, #7, #9, #12, and #13, the MSDE finds that the AACPS has not ensured that the student has been provided with the daily research-based reading intervention, as written and required by the IEP. Therefore, this office does find that a violation occurred with respect to this aspect of allegation #2.

ALLEGATION #3

Progress Towards Annual Goals

FINDINGS OF FACTS:

IEP Developed on September 15, 2021:

15. The student's IEP developed on September 15, 2021, reflects goals and objectives in the areas of reading phonics, reading fluency, reading comprehension, written expression, math problem solving, and expressive/ receptive language.

Reading Phonics Goal:

16. The student's present levels of performance reflects reading phonics data.
 - Quarter 2 2020- 2021: "Data from the student's corrective reading class shows that she is able to read multi-syllabic or one-syllable words with vowel teams and/or diphthongs with 100% accuracy."
 - Quarter 3 2020- 2021: "The student's corrective reading class shows that she is able to read multi-syllabic or one-syllable words with vowel teams and/or diphthongs with 96.67% accuracy."
 - Quarter 4 202-2021: "with sound-spelling visual support, provided in her Corrective Reading Class, the student will read multi-syllabic and one-syllable words with vowel teams and diphthongs (e.g., ai, ay, ee, ea, oa, ow, ou, oy, oi, -igh, -eigh) with 91 accuracy."

17. The reading phonics goal developed on September 15, 2021, states that “with sound-spelling visual support, the student will read multi-syllabic or one-syllable words with vowel teams and diphthongs (e.g., ai, ay, ee, ea, oa, ow, ou, oy, oi, -igh, -eigh), by January 27, 2022, with 95% accuracy.”
18. The reading phonics goal’s progress note reported on November 11, 2021, indicates that the student was making sufficient progress in meeting the goal. In addition, the narrative and data reported directly correlate to the reading phonics goal.
19. The reading phonics goal’s progress note reported on January 28, 2022, reflects that the student achieved the goal. In addition, the narrative and data reported directly correlate to the reading phonics goal.
20. The reading phonics goal’s progress note reported on April 8, 2022, reflects that the student achieved the goal. In addition, the narrative and data reported directly correlate to the reading phonics goal.

Reading Fluency Goal:

21. The reading fluency goal developed on September 15, 2021, states that “with practice in multiple readings of the same text, the student will read with sufficient accuracy and fluency to support comprehension, by January 27, 2022, with 90% accuracy.”
22. While the reading fluency goal’s progress note reported on November 11, 2021, indicates that the student achieved the goal, the narrative and method by which the data was reported do not directly correlate to the reading fluency goal’s indicated method of measurement on the IEP. The progress note reports data in words per minute and not in percentages, the progress is not measurable as written.
23. While the reading fluency goal’s progress note reported on January 28, 2022, indicates that the student achieved the goal, the narrative and method by which the data was reported do not directly correlate to the reading fluency goal’s indicated method of measurement on the IEP. The progress note reports data in words per minute and not in percentages the progress is not measurable as written.
24. While the reading fluency goal’s progress note reported on April 8, 2022, indicates that the student achieved the goal, the narrative and method by which the data was reported do not directly correlate to the reading fluency goal’s indicated method of measurement on the IEP. The progress note reports data in words per minute and not in percentages the progress is not measurable as written.

Reading Comprehension Goal:

25. The reading comprehension goal developed on September 15, 2021, states that “when given instructional level text that has been chunked and/or highlighted, the student will demonstrate comprehension by identifying the theme/ central idea, making inferences about the text, by January 27, 2022, with 80% accuracy.”

26. The reading comprehension goal's progress note reported on November 11, 2021, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the reading comprehension goal.
27. The reading comprehension goal's progress note reported on January 28, 2022, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the reading comprehension goal.
28. The reading comprehension goal's progress note reported on April 8, 2022, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the reading comprehension goal.

Written Expression Goal:

29. The written expression goal developed on September 15, 2021, states that "with a teacher or selected graphic organizer, sentence starters, word bank, and editing checklist and/or word processing software, the student will include relevant text evidence and reasoning that relates the text evidence to her claim statement, by January 27, 2022, with 75% accuracy on 3 out of 4 work samples."
30. The written expression goal's progress note reported on November 11, 2021, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the written expression goal.
31. The written expression goal's progress note reported on January 28, 2022, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the goal.
32. The written expression goal's progress note reported on April 8, 2022, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the goal.

Math Problem Solving Goal:

33. The math problem-solving goal developed on September 15, 2021, states that "given a calculation device and model/ example problem, the student will solve multi-step real-world problems involving fractions and mixed numbers by using visual fraction models or equations to represent the problem, by January 27, 2022, with 100% accuracy on 3 out of 5 problems."
34. The math problem-solving goal's progress note reported on November 11, 2021, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the problem-solving goal.
35. The math problem-solving goal's progress note reported on January 28, 2022, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the problem-solving goal.

36. The math problem-solving goal's progress note reported on April 8, 2022, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the problem-solving goal.

Expressive/ Receptive Language Goal:

37. The expressive/receptive language goal developed on September 15, 2021, states that "with faded visual and verbal supports in structured tasks, the student will use strategies to state cause- effect relationships, figuring meaning, and answer inferential questions, by January 27, 2022, with 80% accuracy across 3 sessions."
38. The expressive/receptive language goal's progress note reported on November 11, 2021, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the expressive/receptive language goal.
39. The expressive/receptive language goal's progress note reported on January 28, 2022, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the expressive/receptive language goal.
40. The expressive/receptive language goal's progress note reported on April 8, 2022, reflects that the student was making sufficient progress in meeting the goal. The narrative and data reported directly correlate to the expressive/receptive language goal.

IEP Developed on May 20, 2022

41. The student's IEP developed on May 20, 2022, reflects goals and objectives in the areas of reading decoding, reading comprehension, written expression, math problem solving, expressive/ receptive language, and other language- vocabulary.

Reading Decoding Goal:

42. The reading decoding goal states that "with sound-spelling visual support, the student will decode multi-syllabic words (consisting of 3 syllables) with VCE exceptions, suffixes, and team exceptions, by May 20, 2023, with 97% accuracy."
43. The reading decoding goal's progress note reported on June 24, 2022, that the goal was newly introduced, and progress was not yet measurable.

Reading Comprehension Goal:

44. The reading comprehension goal states that "when given chunked/ highlighted grade level text, organizational aids (pictures, visual aids), and prompting and extended time to refer back to the text, the student will be able to demonstrate comprehension of text read by identifying the theme or main idea and summarizing the main plot points, by May 20, 2023, on 3 out of 4 targeted works samples with 75% accuracy."

45. The reading comprehension goal's progress note reported on June 24, 2022, that the goal was newly introduced, and progress was not yet measurable.

Written Expression Goal:

46. The written expression goal states that "with a teacher or selected graphic organizer, word bank, rubric, and editing checklist and/or word processing software, the student will include reasoning that explains how her selected text evidence supports her claim statement, by May 20, 2023, with 80% accuracy in 3 out of 4 targeted trails."
47. The written expression goal's progress note reported on June 24, 2022, that the goal was newly introduced, and progress was not yet measurable.

Math Problem Solving Goal:

48. The math problem solving goal states that "given a calculation device and access to a visual support or model, when possible, the student will solve real-world problems involving multiple steps and interpret the meaning of her solution in context, by May 20, 2023, with 80% accuracy in 3 out of 4 work samples."
49. The math problem solving goal's progress note reported on June 24, 2022, that the goal was newly introduced, and progress was not yet measurable.

Expressive/ Receptive Language Goal:

50. The expressive/receptive language goal (1) states that "with faded question prompts and prompts for use of specific strategies, the student will independently use strategies to summarize text excerpts and to explain curricular vocabulary or concepts by May 19, 2023, with 80% accuracy across 3 sessions."
51. The expressive/ receptive language (1) goal's progress note reported on June 24, 2022, that the goal was newly introduced, and progress was not yet measurable.
52. The expressive/ receptive language goal (2) states that "with a single cue for use of a specific strategy, the student will use strategies (e.g., visual cues, visualization, identified words in text for context, talking through aspects being compared), by May 19, 2023, with 80% accuracy across 3 sessions."
53. The expressive/ receptive language (2) goal's progress note reported on June 24, 2022, that the goal was newly introduced, and progress was not yet measurable.

Other Language- Vocabulary Goal:

54. The other language- vocabulary goal states that "with up to two verbal prompts in the form of choice-contrast questions and given choice-contrast questions around structure words (e.g. size,

shape, background, movement), the student will describe her visualization of curricular vocabulary from connected expository text in core content areas and answer questions about similarities and differences between curricular vocabulary words, by May 20, 2023, with at least two vocabulary words in 3 out of 4 targeted trials per quarter.”

55. The other language- vocabulary goal’s progress note reported on June 24, 2022, that the goal was newly introduced, and progress was not yet measurable.

CONCLUSION:

Based upon the Findings of Facts #21- 24, the MSDE finds that the AACPS did not ensure that the student’s progress towards achievement of her annual reading fluency IEP goal was measurable as required by the IEP during the 2021-2022 school year, in accordance with 34 CFR §§300.101 and .324. Therefore, this office finds a violation occurred with respect to this aspect of allegation #3. The remainder of her goals were measured as required by the IEP.

CORRECTIVE ACTIONS/TIMELINES:

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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The 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 the 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. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student Specific

The MSDE requires the AACPS to provide documentation that the IEP team has convened, reviewed, and revised the reading fluency goal to be measurable and the supplementary aids, services, program

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 The MSDE will notify the public agency’s Director of Special Education of any corrective action that has not been completed within the established timeframe.

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modifications, and supports to reflect the accurate implementation frequency of the researched based reading intervention by November 1, 2022.

The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

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 (15) 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 for why the documentation was not made available during the investigation. 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.

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. 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 Early Intervention/Special Education Services

MEF:sd

c: Jennifer Brown
Mark Bedell
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