

October 24, 2024

Ms. Ronnetta Stanley
Loud Voices Together Educational Advocacy Group, Inc.
P.O. Box 1178
Temple Hills, Maryland 20748

Ms. Kia Middleton-Murphy
Acting Director of Special Education Services
Montgomery County Public Schools
850 Hungerford Drive, Room 225
Rockville, Maryland 20850

RE: [REDACTED]
Reference: # 25- 051

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

ALLEGATION:

On August 29, 2024, MSDE received a complaint from Ms. Ronnetta Stanley, hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Montgomery County Public Schools (MCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the allegation that the MCPS has not ensured that the student was provided with the special education instruction, supplementary aids, services, and accommodations as required by the Individualized Education Program (IEP) since the start of the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is 15 years old and is identified as a student with other health impairment (OHI) under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The student’s IEP in effect at the start of the 2023-2024 school year was developed on March 23, 2023. The IEP requires:
 - One hour and 30-minutes daily of special education instruction outside the general education classroom for self-contained resource classes provided by the special education teacher or the instructional assistant; and

- Three hours and 45-minutes of special education instruction inside the general education classroom for math, science, English, physical education (PE), and an elective provided in a co-taught or supported setting by the general education teacher or the instructional assistant.

The IEP requires the provision of supplementary aids, services and accommodations:

- Testing accommodations;
- Notes and outlines for instruction;
- Calculation device (for calculation and non-calculation);
- Extended time (1.5x);
- Daily use of organizational tool;
- As needed study guides posted/shared digitally;
- Daily limited all tasks assessments per day;
- Daily editing checklists;
- Weekly math check-in support/reteaching;
- Daily bold/underline key vocabulary;
- Daily check for understanding;
- Daily advance warning of schedule changes;
- Daily reduced workload;
- Daily provide alternative ways for students to demonstrate learning;
- Daily verbalize ideas with adults before writing down/sharing;
- Daily essay/ extended writing outlines and sentence starters;
- Daily [the student] will review amount of expected work and outcomes of a task with and adult;
- Daily flexible or alternative seating;
- Daily visuals;
- Daily monitor independent work;
- Daily provide assistance with organization;
- As needed testing over multiple days;
- Daily chunking of texts;
- As needed break down assignments into smaller units;
- As needed consult with Restorative Justice Coach;
- As needed home-school communication regarding tardies/absences;
- Weekly communicate with parent through Remind, Synergy, or email messaging;
- Daily teacher communication;
- Daily allow in class coping strategies;
- Daily positive praise;
- Periodic menu of coping strategies;
- Daily check-ins with trusted adult;
- Daily home-school communication system;
- Daily adult support (adult support in all academic classes);
- Daily allow snacks;
- As needed movement breaks;
- Daily reinforce positive behavior through non-verbal /verbal communication;
- Daily encourage student to ask for assistance when needed;
- Daily encourage/reinforce appropriate behavior in academic and non-academic settings; and
- As needed flash pass.

2. The student's IEP developed on April 17, 2024, requires:
 - Three hours and 20-minutes daily of special education instruction inside the general education classroom for math, science, English, and social studies provided by the general or special education teacher or the instructional assistant; and
 - One hour and 40-minutes daily of special education instruction outside the general education classroom for self-contained resource class provided by the special education teacher or the instructional assistant.

The IEP requires the following additional supplementary aids, services, and accommodations:

- As needed access to e-books;
 - As needed allow annotation of texts;
 - As needed provide [the student] with an opportunity to process and reflect;
 - Daily use of non-judgmental approach; and
 - Weekly ongoing communication between teachers and educational tutor.
3. There is documentation of the provision of the special education instruction, as required by the IEP.
 4. There is documentation of the provision of the following supplementary aids, services, and accommodations:
 - Testing accommodations;
 - As needed study guides posted/shared digitally;
 - Daily limited all tasks assessments per day;
 - Weekly math check-in support/reteaching;
 - Daily check for understanding;
 - Daily advance warning of schedule changes;
 - Daily reduced workload;
 - Daily verbalize ideas with adults before writing down/sharing;
 - Daily [the student] will review amount of expected work and outcomes of a task with and adult;
 - Daily visuals;
 - Daily monitor independent work;
 - Daily provide assistance with organization;
 - As needed testing over multiple days;
 - Daily chunking of texts;
 - As needed break down assignments into smaller units;
 - As needed consult with Restorative Justice Coach;
 - As needed home-school communication regarding tardies/absences;
 - Weekly communicate with parent through Remind, Synergy, or email messaging;
 - Daily teacher communication;
 - Daily allow in class coping strategies;
 - Daily check-ins with trusted adult;
 - Daily adult support (adult support in all academic classes);
 - Daily allow snacks;
 - As needed movement breaks;
 - Daily reinforce positive behavior through non-verbal /verbal communication;
 - Daily encourage student to ask for assistance when needed;
 - Daily encourage/reinforce appropriate behavior in academic and non-academic settings;

- As needed flash pass;
 - As needed access to e-books;
 - As needed allow annotation of texts;
 - As needed provide [the student] with an opportunity to process and reflect; and
 - Daily use of non-judgmental approach.
5. There is some documentation of the provision of the following supplementary aids, services, and accommodations, however, it does not demonstrate consistent provision as required by the IEP:
- Testing accommodations;
 - Notes and outlines for instruction;
 - Calculation device (for calculation and non-calculation);
 - Extended time (1.5x);
 - Daily use of organizational tool;
 - Daily editing checklists;
 - Daily bold/underline key vocabulary;
 - Daily provide alternative ways for students to demonstrate learning;
 - Daily essay/ extended writing outlines and sentence starters;
 - Daily flexible or alternative seating;
 - Daily positive praise;
 - Periodic menu of coping strategies;
 - Daily home-school communication system; and
 - Weekly ongoing communication between teachers and educational tutor.

CONCLUSIONS:

Provision of Special Education Services

Based upon the Findings of Fact #1 through #3, MSDE finds that the MCPS has ensured that the student was provided with the special education instruction, as required by the IEP since the start of the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office does not find a violation occurred concerning this aspect of the allegation.

Provision of Supplementary Aids, Services, and Accommodations

Based upon the Findings of Fact #1, #2, and #4, MSDE finds that the MCPS has ensured that student was consistently provided with the supplementary aids, services, and accommodations listed in Finding of Fact #4, as required by the IEP since the start of the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office does not find a violation occurred concerning this aspect of the allegation.

Based upon the Findings of Fact #1, #2, and #5, MSDE finds that the MCPS has not ensured that student was consistently provided with the supplementary aids, services, and accommodations listed in Finding of Fact #5, as required by the IEP since the start of the 2023-2024 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds a violation occurred concerning this aspect of the allegation.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

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 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

MSDE requires the MCPS to provide documentation, by December 20, 2024, that the IEP team has taken the following action:

- a. Provided the student with consistent supplementary aids, services and accommodations as required by the IEP;
- b. Convened an IEP team meeting and determined if the lack of the consistent provision of the supplementary aids, services, and accommodations had a negative impact on the student's ability to benefit from the education program. If the team determines there is a negative impact, it must also determine the amount and nature of compensatory services or other remedy to redress the violations; and
- c. Developed a plan for the implementation of the services within one year of the date of this Letter of Findings.

The MCPS must ensure that the parent is provided with prior written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

MSDE requires the MCPS to provide documentation by December 20, 2024, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the provision of supplementary aids, services, and accommodations, under the IDEA and COMAR, as applicable. These steps must include staff development, as well as tools developed to monitor compliance.

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 days of the date of this correspondence. The new

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 year to complete. If noncompliance is not corrected in a timely manner, 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 MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

documentation must support a written request for reconsideration, and the written request must include a compelling reason 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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Antoine L. Hickman, Ed.D.
Assistant State Superintendent
Division of Early Intervention and Special Education Services

ALH/sd

c: Dr. Thomas Taylor, Superintendent, MCPS
Peggy Pugh, Chief Academic Officer, MCPS
Diana K. Wyles, Associate Superintendent, MCPS
Gerald Loiacono, Supervision, Resolution and Compliance Unit, MCPS
Maritza Macias, Paralegal, MCPS
[REDACTED], Principal, [REDACTED], MCPS
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE