

November 25, 2024

Ms. Jessica Williams  
Education Due Process Solutions, LLC  
1296 Cronon Boulevard, #4071  
Crofton, Maryland 21114

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

RE: [REDACTED]  
Reference: #25- 077

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.

**ALLEGATIONS:**

On September 26, 2024, MSDE received a complaint from Ms. Jessica Williams, 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 following allegations:

1. The MCPS has not developed and implemented an Individualized Education Program (IEP) that addresses the student’s identified academic and secondary transition needs since September 2023, in accordance with 34 CFR §§ 300.320, .323, and .324.
2. The MCPS has not ensured that the student’s IEP contains measurable annual goals that are designed to meet the student’s needs and enable the student to make progress in the general education curriculum since September 2023, in accordance with 34 CFR § 300.320.
3. The MCPS has not ensured that the student’s IEP was reviewed and revised to address the lack of expected progress toward achieving the IEP goals since September 2023, in accordance with 34 CFR § 300.324 and COMAR 13A.05.01.09.
4. The MCPS has not followed proper procedures when responding to a request for an IEP team meeting since September 2023, in accordance with 34 CFR § 300.503.

5. The MCPS has not ensured that the IEP team addressed the parent's concerns regarding the student's specialized instructional needs since September 2023, in accordance with 34 CFR § 300.324.
6. The MCPS has not provided the parent with prior written notice (PWN) of the IEP team's decisions since September 2023, in accordance with 34 CFR § 300.503. Specifically, the complainant alleges that the IEP team did not provide prior written notice of its decisions to remove the student's math, reading, and writing IEP goals from the IEP, and its refusal to provide specially designed instruction to address the anticipated instructional needs of the student in math, reading, and written expression.

#### **BACKGROUND:**

The student is 16 years old and is identified as a student with Specific Learning Disability (SLD) and is eligible for special education services under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

#### **FINDINGS OF FACT:**

1. The IEP in effect in September 2023 was developed on May 25, 2023. The IEP reflects the student's disability as SLD with math calculation, math problem solving, reading phonemic awareness, reading phonics, written language mechanics, organization/task completion, and social emotional/behavioral as areas affected by the disability. The IEP states that the student demonstrates characteristics consistent with dysgraphia and dyscalculia.

The IEP includes present levels of academic achievement and functional performance (PLAAFP) reflecting the student as performing at the following instructional levels:

- Reading Phonemic Awareness – fifth grade level;
- Reading Phonics – fifth grade level;
- Math Calculation – eighth grade level;
- Math Problem Solving – eighth grade level;
- Written Language Mechanics – seventh grade level;
- Written Language – tenth grade level;
- Social Emotional/Behavioral – below expected grade level; and
- Organization/task completion – below age expectancy.

The secondary transition information included in the IEP reflects that the student completed a "Student Interview and the O\*NET Interest Profiler on 3/29/23 with her Transition Support Teacher and Transition Paraeducator." The transition information reflects the student's "interest in pursuing career opportunities related to arts media and communication with [an] emphasis on graphic design." The IEP includes secondary transition activities in employment training and academics. These activities include completing a career inventory to explore interests and exploring the college application process with a counselor. The IEP reflects that consent to communicate with the Division of Rehabilitation Services (DORS) was obtained on May 25, 2023, and it was determined that the student did not require services from the Developmental Disabilities Administration (DDA), Behavioral Health Administration (BHA), and Division of Workforce Development & Adult Learning Maryland Department of Labor (MDL).

The IEP requires the following instructional and assessment accommodations:

- General administration directions read aloud and repeated as needed;
- Redirect student;
- Spell check or external spell check device;
- Graphic organizer;
- Text to speech for the mathematics, science, and government assessments;
- Small group;
- Frequent breaks;
- Reduce distractions to self;
- Notes and outlines;
- Calculation device and mathematics tools on non-calculation sections of the mathematics assessments;
- Answers recorded in test book; and
- Extended time (1.5X).

The IEP requires the following supplementary aids, services, program modifications and supports:

- Copy of teacher notes, examples on assignments, or clearly identified notes online, as needed;
- Sentence starters, periodically;
- Pre teach new vocabulary, before new concepts or texts are presented;
- Have student repeat and/or paraphrase information, as needed;
- Word processing program, daily;
- Wait time for processing directions and for formulating verbal response, daily;
- Opportunities for reteaching and re-assessing, as needed;
- Word banks, as needed;
- Graphic organizers, (print or electronic), as needed;
- Provide proofreading checklist, as needed;
- Frequent and/or immediate feedback, daily;
- Monitor independent work, daily;
- Altered/modified assignments, when applicable;
- Break down assignments into smaller units, as needed;
- Access to a trusted adult, as needed;
- Provide manipulatives and/or sensory activities to promote listening and focusing skills, as needed;
- School to home communication, bi-weekly;
- Monitor use of agenda book and/or progress report, weekly;
- Encourage student to ask for assistance when needed, as needed;
- Provide structured time for organization of materials, as needed;
- Use of flash pass, as needed;
- Reinforce positive behavior through non-verbal /verbal communication, daily;
- Strategies to initiate and sustain attention including active listening, daily;
- Access to headphones, as needed; and
- Preferential seating, daily.

The IEP reflects that the student was not eligible for Extended School Year (ESY) services.

The IEP required the following IEP goals:

- Math Problem Solving: "Given notes and outlines, monitoring of independent work, calculator and multiple opportunities for practice, [the student] will solve mathematical problems by analyzing given information, planning a solution pathway, and executing the steps of the solution pathway."
  - Method of Measurement: Classroom-Based Assessment: assignments and assessments
  - Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written because the criterion for mastering the goal is not included in the goal. It is not clear how many trials are necessary for the student do this with 80% accuracy.

- Social Emotional/Behavioral: "Given no more than 3 prompts and access to trusted adults, [the student] will demonstrate her self-advocacy when requesting clarification and/or accommodations, either verbally or in writing."
  - Method of Measurement: Informal Procedures: teacher observation, assignment completion
  - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Organization/task completion: "With no more than 3 prompts as well as the use of preferred organizational systems or an agenda, [the student] will complete her assignments/tasks by the agreed-upon due date."
  - Method of Measurement: Informal Procedures: assignment completion/grade book, monitoring assignment book
  - Criteria (Mastery and Retention) With: 90% of assignments. Progress data is reported for all classes.
- Math Calculation: "Given instruction in an evidenced-based instructional math system, opportunities for practice, and checks for understanding, [the student] will apply learned math skills to be able to solve single and multi-step mathematical equations with the use of addition, subtraction, multiplication and division."
  - Method of Measurement: Classroom-Based Assessment: assessments, assignments
  - Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written because the criterion for mastering the goal is not included in the goal. It is not clear whether the student will do this 100% of the time on 4 out of 5 trials, or 50% of the time on 4 out of 5 trials, or some other measure.

- Written Language Mechanics: "Given fading prompting and reminders, word processing supports, graphic organizers and/or checklists, and rubrics/criteria for success, [the student] will be able to define, identify and compose compound and complex sentences."
  - Method of Measurement: Classroom-Based Assessment: assignments, assessments, writing samples
  - Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written because the criterion for mastering the goal is not included in the goal. It is not clear whether the student will do this 100% of the time on 4 out of 5 trials, or 50% of the time on 4 out of 5 trials, or some other measure.

- Reading Phonics: “Given a direct explicit multi-sensory intervention in a smaller grouping with multiple opportunities for practice [the student] will be able to read and sound spell accurately closed and open multisyllable words with initial and final consonant blends, segment multisyllable words with vowel-consonant-consonant-vowel (VCCV) and vowel-consonant-vowel (VCV) patterns and articulate the impact on the vowel sound, use and articulate the /k/ and ch versus tch spelling rules.”
  - Method of Measurement: Informal Procedures: School-based assessments
  - Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written because the criterion for mastering the goal is not included in the goal. It is not clear whether the student will do this 100% of the time on 4 out of 5 trials, or 50% of the time on 4 out of 5 trials, or some other measure.

- Reading Phonemic Awareness: “Given verbal drills with manipulatives and multiple opportunities to practice [the student] will be able to delete a syllable from a two syllable word, manipulate initial sound in an initial blend, delete an ending sound, substitute a vowel sound, manipulate the second sound of an initial blend and manipulate sounds in an ending blend in order to improve accurate decoding of words and spelling.”
  - Method of Measurement: Informal Procedures: School-based assessments
  - Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written because the criterion for mastering the goal is not included in the goal. It is not clear whether the student will do this 100% of the time on 4 out of 5 trials, or 50% of the time on 4 out of 5 trials or some other measure.

The IEP requires the following special education instruction:

- Four, 50-minute sessions inside general education, daily (“[The student] will receive supported instruction in the general education setting for English, Social Studies, Math, and Science.”);
- One, 50-minute session outside general education, daily (“[The student] will attend a self-contained Resource class.”);
- One, 50-minute session outside general education, daily (“[The student] will attend a self-contained reading intervention class daily.”)

The Least Restrictive Environment (LRE) for the student required by the IEP is inside general education for 80% or more of the school day.

2. On January 30, 2024, the IEP team convened to conduct a periodic review of the IEP. The prior written notice (PWN) generated after the meeting reflects that MCPS proposed removing the student’s math problem solving and reading goals from the student’s IEP. The team also discussed the student’s present levels. MCPS reported that based on updated assessment data in phonemic awareness and phonics, the student had successfully achieved the goals. It was recommended that the student be removed from the reading intervention class. It was also reported that due to “recent assessments in mathematics” the student “reached the established target in [that] area” and no longer required the math problem solving goal. The PWN reflects that “no options were rejected.” The PWN reflects that the parent requested the student be removed from the reading intervention class but did not want the student’s reading goals removed from the IEP. The parent shared concerns about the data received from the formal and informal reading assessments.

3. The student's second semester schedule for the 2023-2024 school year reflects that the student was not enrolled in the "Academic Reading" class.
4. On February 6, 2024, MCPS staff emailed the parent a copy of the PWN from the January 30, 2024, IEP meeting.
5. On February 22, 2024, the IEP team convened for another periodic review of the student's IEP. The PWN generated after the meeting reflects that MCPS proposed to remove the outside general education reading intervention, phonics, phonemic awareness, and math problem solving goals from the student's IEP because "due to recent data collected [in those areas the student] no longer [required] goals or services in [those] specific areas." These options were not rejected. The PWN reflects that "the parent [persisted] in seeking further assessments before considering removing [the student] from the reading intervention." The parent also disagreed with the informal assessment and requested a re-administration of the reading assessment that was previously used due to a concern that "the current informal reading assessments completed [did] not respond directly to the phonics reading goal." The parent requested that the phonics goals remain on the IEP until the assessment was completed. The PWN also reflects that the parent expressed that due to the student's deficit in math the student would need to be assessed prior to removing the math problem solving goal from the IEP and would pursue an independent evaluation if MCPS refused to re-assess the student. The family shared concerns about "[the student's] persistent deficits in practical math skills such as counting money, making change, and telling time." MCPS proposed enrolling the student in financial math during her senior year. The PWN reflects that MCPS would "address the family's requests for extra assessments after discussing the matter with a supervisor."

The February 22, 2024, amended IEP reflects the student's primary disability as SLD, with math calculation, written language mechanics, organization/task completion, and social emotional/behavioral as the areas affected by the disability.

The IEP PLAAFP reflects the student as performing at the following instructional levels:

- Reading Phonemic Awareness – on grade level based on updated data from the February 9, 2024, LETRS Advanced Spelling Screener (3+), and the January 8, 2024, Phonological Awareness Screening Test (PAST), the RGR Beginning Decoding Survey, the RGR Advanced Decoding Survey, the LETRS Basic Spelling Screener (k-2), and MAP-R Assessment Winter 2023-2024;
- Reading Phonics – at grade level based on updated data from the February 9, 2024, LETRS Advanced Spelling Screener (3+), and the January 8, 2024, Phonological Awareness Screening Test (PAST), the RGR Beginning Decoding Survey, the RGR Advanced Decoding Survey, the LETRS Basic Spelling Screener (k-2), the MAP-R Assessment Winter 2023-2024, and Winter 2023-2024 READ 180 data;
- Math Calculation - fourth grade level based on updated January 2024 IEP goal data;
- Math Problem Solving - 11th grade level based on updated January 2024 IEP goal data;
- Written Language Mechanics – seventh grade level based on updated January 2024 IEP goal data;
- Written Language – 10th grade level with no updated data provided after September 2022;
- Social Emotional/Behavioral - below expected grade level based on updated January 2024 IEP goal data; and
- Organization/task completion – slightly below age expectancy based on updated January 2024 IEP goal data.

The IEP Secondary Transition data reflects the student's transition activities in the areas of employment training and academics as "partially completed" with progress report data from October 31, 2023, and January 26, 2024. The Secondary Transition Agency Linkage continued as provided in the May 2023 IEP.

The instructional and assessment accommodations and supplementary aids, services, program modifications, and supports required by the May 2023 IEP continued.

The IEP included the previous social emotional/behavioral and written language mechanics goals and progress.

- The IEP required an updated organization/task completion goal: "With no more than 2 prompts as well as the use of preferred organizational systems or an agenda, [the student] will complete her assignments/tasks by the agreed-upon due date."
  - Method of Measurement: Informal Procedures: assignment completion/grade book, monitoring assignment book
  - Criteria (Mastery and Retention) With: 95% of assignments
  - Previous goal achieved October 31, 2023, and January 23, 2024.
  
- The IEP required an updated Math Calculation goal: "Given instruction in an evidenced-based instructional math system, opportunities for practice, and checks for understanding, [the student] will apply learned math skills to be able to solve single and multi-step mathematical equations with the use of addition, subtraction, multiplication and division."
  - Method of Measurement: Informal Procedures: informal assessments, worksheets, observation Classroom-Based Assessment: assessments, assignments Criteria (Mastery and Retention) with: 5 out of 5 trials
  - Previous goal achieved October 31, 2023, and "Making sufficient progress to meet goal" on January 23, 2024.

This goal is not measurable as written because the criterion for mastering the goal is not included in the goal. It is not clear whether the student will do this 100% of the time on 5 out of 5 trials, or 50% of the time on 5 out of 5 trials, or some other measure.

The IEP required the following special education instruction:

- Four, 50-minute sessions inside general education, daily ("[The student] will receive supported instruction in the general education setting for English, Social Studies, Math, and Science."); and
- One, 50-minute session outside general education, daily ("[The student] will attend a self-contained Resource class to receive additional support in the areas of phonics, math calculation, and organization of school materials.")

The Least Restrictive Environment (LRE) for the student required by the IEP is inside general education for 80% or more of the school day.

6. On February 29, 2024, MCPS staff emailed the parent a copy of the PWN and amended IEP from the February 22, 2024, IEP meeting.
  
7. On May 15, 2024, the IEP team convened to conduct the student's annual review. The PWN generated after the meeting reflects that MCPS granted the parent's request for an educational assessment for the student. The PWN further reflects that the parent shared concerns that while the student's instructional performance level in writing was eighth grade, the student was unable to spell without the use of "spell check." Additionally, the family requested specially designed instruction in basic math, to include areas

such as telling time and counting money, despite MCPS sharing that “it has been and continues to provide appropriate instruction/supports/accommodations/services for [the student].” The team agreed to schedule another meeting to discuss the draft IEP, analyze the educational assessment data, and to revise and update the IEP if needed.

8. On May 17, 2024, and May 20, 2024, MCPS conducted an educational assessment for the student. The assessment report developed on May 22, 2024, reflects that the student performed in the average range in letter word identification, passage comprehension, word attack, reading recall, and spelling; the low average range in oral reading, sentence reading fluency, number matrices, and spelling of sounds; the low range in applied problems and sentence writing fluency; and the very low range in calculation and math facts fluency. The student scored in the superior range in writing samples.
9. On May 29, 2024, MCPS staff emailed the parent a copy of the PWN from the May 15, 2024, IEP meeting.
10. On June 13, 2024, the IEP team met to continue the student’s annual review. The PWN reflects the IEP team proposed to implement the new IEP, which required the student to receive co-taught/supported classes for science, and a self-contained resource class to provide the student additional support. The PWN reflects the MCPS “has implemented the following [supplementary aids, services, and supports]: breaking down mathematical word problems, use of mathematics vocabulary word bank, use of rulers, [and use of a conversion chart].” The parent did not agree with the “proposed items related to the draft IEP” and shared that MCPS is not addressing the student’s needs. The PWN reflects that no options were rejected.

The parent inquired how the student’s areas of need would be addressed. MCPS shared that these needs would be addressed “through her classes in the general education setting and in a self-contained resource class...accommodations will be provided through supplementary aids/services/supports.” The PWN reflects that the parent did not agree that a supported class and a self-contained resource class would address the student’s needs as required. The parent shared that she wants “to see proficiency [in] academic areas that are below [grade level] as [the student’s] performance in academic areas are below 12th-grade level.” The parent expressed that the writing goal was appropriate to address the student’s needs, and requested to re-instate the reading goals that were previously removed from the IEP. The PWN states that the student’s reading goals were removed “based on data collected from [various informal assessments, classroom-based assessments, and MAP-R 2024 data collected from MCPS].” MCPS reported that it “has reviewed previous data and... determined [that the student] does not require reading goals” and has achieved

those goals. The parent expressed her concern that the student was performing below a 12th-grade level, and MCPS reported that “while [the student’s] standardized testing [indicated] some areas where she is performing below grade level current classroom performance and grades demonstrate significant progress.” MCPS reported the student’s cumulative 3.51 grade point average demonstrates the student’s “consistent performance and effort across all...subjects.” The PWN reflects that the “specific areas identified by the standardized tests will continue to be targeted in her IEP to ensure she receives the necessary support to improve her proficiency.”

11. The June 13, 2024, IEP reflects the student’s primary disability as SLD with math calculation, written language mechanics, organization/task completion, and social emotional/behavioral as areas affected by the disability. The IEP reflects updated evaluation eligibility data based up the May 22, 2024, administration of the Woodcock-Johnson IV Educational Assessment. PLAAFP data continued as provided in the February 2024 IEP except math calculation which was updated to reflect results



from the spring 2024 administration of the Woodcock-Johnson IV educational assessment that shows the student as being in the “very low range of achievement as compared to same-age peers,” the written language mechanics which was updated with spring 2024 data of the student’s progress toward the written language mechanics IEP goal, and the social emotional/behavioral goal that was updated with spring 2024 data of the student’s progress toward the social emotional/behavioral goal.

The secondary transition data was updated with the results from an April 18, 2024, student interview and “O\*NET Interest Profiler.” The transition activity goals in employment training and academics were updated and reflected that progress was completed for the employment training goal on April 9, 2024, and June 13, 2024, and the academic goal was partially completed on April 9, 2024, and completed on June 13, 2024. The secondary agency linkage in the IEP continued as reflected in the February 2024 IEP.

The instructional and assessment accommodations required by the February 2024 IEP continued.

The IEP required the following supplementary aids, services, program modifications, and supports:

- Breaking down mathematical word problems, daily;
- Use of mathematics vocabulary word bank, daily;
- Rulers, daily
- Conversion chart, daily;
- Copy of teacher notes, examples of assignments, or clearly identified notes online, as needed;
- Sentence starters, periodically;
- Pre-teach new vocabulary, before new units, concepts or texts are presented;
- Have student repeat and/or paraphrase information, as needed;
- Word processing program, daily;
- Wait time for processing directions and for formulating verbal response, daily;
- Opportunities for reteaching and reassessing, as needed except state/county and unit assessments;
- Word banks, as needed;
- Graphic organizers, as needed;
- Provide proofreading checklist, as needed;
- Frequent and/or immediate feedback, daily;
- Monitor independent work, daily;
- Altered/modified assignments, when applicable;
- Break down assignments into smaller units, as needed;
- Access to a trusted adult, as needed;
- Provide manipulatives and/or sensory activities to promote listening and focusing skills, as needed;
- School to home communication, bi-weekly;
- Monitor use of agenda book and/or progress report, weekly;
- Encourage student to ask for assistance when needed, as needed;
- Provide structured time for organization of materials, as needed;
- Use of flash pass, as needed;
- Reinforce positive behavior through non-verbal/verbal communication, daily;
- Strategies to initiate and sustain attention including active listening, daily;
- Access to headphones, as needed; and
- Preferential seating, daily.

The IEP reflects that the student was not eligible for ESY.

The IEP required the following goals:

- Organization/task completion: With no more than 2 prompts as well as the use of preferred organizational systems or an agenda, [the student] will complete her assignments/tasks by the agreed-upon due date.
  - Method of Measurement: Informal Procedures: assignment completion/grade book, monitoring assignment book
  - Criteria (Mastery and Retention) With: 95% of assignments.
- Social Emotional/Behavioral: Given no more than 3 prompts and access to trusted adults, [the student] will demonstrate her self-advocacy when requesting clarification and/or accommodations, either verbally or in writing.
  - Method of Measurement: Informal Procedures: teacher observation, assignment completion
  - Criteria (Mastery and Retention) With: 5 out of 5 trials.
- Written Language Mechanics: Given fading prompting and reminders, word processing supports, graphic organizers and/or checklists, and rubrics/criteria for success, [the student] will be able to proofread her writing to produce a writing piece that reflects correctness in spelling and conventions by May 2025.
  - Method of Measurement: Classroom-Based Assessment: assignments, assessments, writing samples
  - Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written because the criterion for mastering the goal is not included in the goal. It is not clear whether the student will do this 100% of the time on 4 out of 5 trials, or 50% of the time on 4 out of 5 trials, or some other measure.

- Math Calculation: Given a calculator, mathematic tools (conversion chart, ruler, use of mathematic vocabulary word bank) direct instruction, repeated practice, immediate feedback, opportunities for practice, and checks for understanding, [the student] will apply learned math skills to be able to solve single and multi-step mathematical equations with the use of addition, subtraction, multiplication and division.
  - Method of Measurement: Informal Procedures: informal assessments, worksheets, observation Classroom-Based Assessment: assessments, assignments
  - Criteria (Mastery and Retention) With: 5 out of 5 trials

This goal is not measurable as written because the criterion for mastering the goal is not included in the goal. It is not clear whether the student will do this 100% of the time on 5 out of 5 trials, or 50% of the time on 5 out of 5 trials, or some other measure.

The IEP required the following special education instruction:

- One, 50-minute sessions inside general education, daily (“[The student] will receive co-taught/supported class in Science for the 2024-2025 School Year.”; and
- One, 50-minute session outside general education, daily (“[The student] will receive support through a self-contained resource class daily.”

The Least Restrictive Environment (LRE) for the student required by the IEP is inside general education for 80% or more of the school day.

12. The student's progress toward achieving the IEP goals for the fourth quarter, dated June 13, 2024, for the 2023-2024 school year was as follows:
  - Social Emotional/Behavioral: Making sufficient progress to meet goal
  - Organization/task completion: Making sufficient progress to meet goal
  - Math Calculation: Achieved
  - Written Language Mechanics: Making sufficient progress to meet goal.
13. On June 18, 2024, MCPS staff emailed the parent a copy of the PWN from the June 13, 2024, IEP meeting.
14. There is documentation to demonstrate that the student was provided with the special education supports and instruction required by the IEP since September 2023.
15. There is no documentation reflecting the parent's request for an IEP team meeting.

### **DISCUSSIONS AND CONCLUSIONS:**

#### **ALLEGATION #1                      DEVELOPMENT AND IMPLEMENTATION OF THE IEP**

##### **Development of the IEP**

Based on the Findings of Fact #1, #6, #9, and #12, MSDE finds that the MCPS has developed an IEP that addresses the student's identified academic and secondary transition needs since September 2023, in accordance with 34 CFR §§ 300.320 and .324. Therefore, this office finds that no violation occurred concerning this aspect of the allegation.

##### **Implementation of the IEP**

Based on the Findings of Fact #1, #6, #12, and #15, MSDE finds that the MCPS has implemented an IEP that addresses the student's identified academic and secondary transition needs since September 2023, in accordance with 34 CFR §§ 300.320 and .323. Therefore, this office finds that no violation occurred concerning this aspect of the allegation.

#### **ALLEGATION #2                      MEASURABLE IEP GOALS**

An individualized education program or IEP must include a statement of measurable annual goals and a description of how the child's progress toward meeting the annual goals will be measured. (34 CFR § 300.320).

In this case, with the exception of the student's organizational and self-advocacy goals, the student's IEP goals do not state the criterion for mastery and retention.

Based on the Findings of Fact #1, #6 #12, and #13, MSDE finds that the MCPS has not ensured that the student's IEP contains measurable annual goals that are designed to meet the student's needs and enable the student to make progress in the general education curriculum since September 2023, in accordance with 34 CFR § 300.320. Therefore, this office finds that a violation occurred concerning the allegation.

### **ALLEGATION #3 ADDRESSING THE LACK OF PROGRESS TOWARD IEP GOALS**

Based on the Findings of Fact #1, #6, #12, and #13, MSDE finds that the student has not failed to make sufficient progress toward the IEP goals since September 2023 requiring the MCPS to address the lack of progress. The MCPS was not required to review and revise the student's IEP to address the lack of expected progress toward achieving the IEP goals, since September 2023, in accordance with 34 CFR § 300.324 and COMAR 13A.05.01.09. Therefore, this office finds that no violation occurred concerning the allegation.

### **ALLEGATION #4 PROPER PROCEDURES WHEN RESPONDING TO A REQUEST FOR AN IEP MEETING**

Based on the Findings of Fact #16, MSDE finds that there is no documentation that the parent requested an IEP team meeting, since September 2023, in accordance with 34 CFR § 300.503. Therefore, this office finds that no violation occurred concerning the allegation.

### **ALLEGATION #5 ADDRESSING PARENT CONCERNS**

In developing each child's IEP, the IEP Team must consider the concerns of the parents for enhancing the education of their child. (34 CFR § 300.324).

In January 2024, the parent requested to have the student removed from reading intervention without removing the reading IEP goals due to parent concerns about data from informal assessments. The student's second semester schedule reflected that she was removed from the reading class, and her IEP continued to include reading goals. In February 2024, the parent requested additional assessments before removing the student from the reading intervention class and asked for a reevaluation in reading and math prior to removing the student's reading phonics and math problem solving goals. The student was no longer enrolled in the reading intervention class, and the MCPS reported that the student no longer required IEP goals in reading phonics, reading phonemic awareness, and math problem solving goals based on recent data collected in those areas and suggested having the student enroll in financial math to address the parent's concerns about the student's math skills. In May 2024, the parent expressed concerns about the student's spelling skills and requested specially designed instruction in math. An educational assessment was conducted for the student in May, and based on those results the MCPS included a math calculation goal in the student's IEP and stated that the student's needs would be addressed through classes, accommodations and a resource class. The parent also did not agree with the writing goal and wanted to reinstate reading goals. The MCPS reported that it reviewed previous data and determined that the student achieved the reading goals and did not require them.

Based on the Findings of Fact #2, #3, #5, #8 to #9, MSDE finds that the MCPS has ensured that the IEP team addressed the parent's concerns regarding the student's specialized instructional needs since September 2023, in accordance with 34 CFR § 300.324. Therefore, this office finds that no violation occurred concerning the allegation.

### **ALLEGATION #6 PROVISION OF PRIOR WRITTEN NOTICE OF THE IEP DECISIONS**

Based on the Findings of Fact #2, #4, #5, #7, #8, #10, #11, and #14, MSDE finds that the MCPS has provided the parent with prior written notice of the IEP team's decisions to remove the student's math, reading, and writing IEP goals from the IEP and its decisions regarding specially designed instruction since September 2023, in accordance with 34 CFR § 300.503. Therefore, this office finds that no violation occurred concerning 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. 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.<sup>1</sup> 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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

#### **Student-Specific**

By February 22, 2025, MSDE requires the MCPS to provide documentation that the school system has:

- Revised the student's goals to ensure they are measurable;
- Convened an IEP team meeting to determine whether the violation identified in this Letter of Findings had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedies to redress the violations within a year of the date of this Letter of Findings.

The MCPS must ensure that the parent is provided with 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 February 22, 2025, of the steps it has taken to ensure that the staff at [REDACTED] properly implements the requirements for the development of measurable annual goals under the IDEA. These steps must include staff development.

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 documentation must support a written request for reconsideration, and the written request must include a

---

<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects 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.

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. The 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/ebh

c: Dr. Thomas W. Taylor, Superintendent, MCPS  
Diana K. Wyles, Associate Superintendent, MCPS  
Peggy Pugh, Chief Academic Officer, MCPS  
Gerald Loiacono, Supervisor, Resolution and Compliance Unit, MCPS  
Maritza Macias, Paralegal, MCPS  
Eve Janney, Compliance Specialist, MCPS  
[REDACTED], Principal, [REDACTED], MCPS  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Elizabeth B. Hendricks, Complaint Investigator, MSDE