

February 12, 2025



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

RE: [REDACTED]  
Reference: #25-125

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 November 12, 2024, MSDE received a complaint from [REDACTED], 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 did not provide the parent with written invitations to the Individualized Education Program (IEP) team meetings and did not ensure that the IEP team meetings occurred at a mutually agreed upon time since November 2023, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07.
2. The MCPS has not comprehensively assessed the student in all areas of need since November 2023, in accordance with 34 CFR §§ 300.301, .303, and .304. Specifically, the complainant alleged that a Functional Behavior Assessment (FBA) was not conducted to determine the student's social emotional/behavioral needs.
3. The MCPS has not developed and implemented an IEP that addresses the student’s identified academic and behavioral needs since August 2024, in accordance with 34 CFR §§ 300.320, .323, and .324. Specifically, the complainant alleged that the MCPS has not:
  - Developed a Behavior Intervention Plan (BIP) for the student that addresses his disrobing, toileting, and disruptive behaviors;
  - Developed an IEP that contains accurate information on the student’s disability, present levels of academic performance and communication needs, and measurable IEP goals; and
  - Ensured that the student has received transportation, occupational therapy, speech-language therapy, and dedicated aide services as required by the IEP.

4. The MCPS has not followed proper procedures when disciplinarily removing the student from school since August 2024, in accordance with 34 CFR §§ 300.530 – .536, COMAR 13A.08.03, and COMAR 13A.05.01.10.

#### **BACKGROUND:**

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

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

1. The August 22, 2023, Behavior Intervention Plan (BIP) was developed from an August 22, 2023, Functional Behavior Assessment (FBA). The BIP addresses the following behaviors:
  - “Physical aggression: includes lunging, hitting, pulling peers’ hair;
  - Leaving Assigned Area: This may include leaving assigned seat, leaving assigned seat in the bus, and leaving grounds, without permission; and
  - [REDACTED] is defined as any instance of picking up a [REDACTED] and attempting to [REDACTED] or [REDACTED].”

The BIP includes prevention strategies, teaching strategies, and response strategies for each behavior. The BIP requires the collection of current rate, short-term, long-term, and frequency data.

2. On November 6, 2023, the complainant’s advocate emailed MCPS requesting an IEP meeting. The complainant was copied on the email. The MCPS staff responded to the advocate by email sharing that an IEP meeting was currently scheduled for November 29, 2023. The email included the meeting login information. Between November 6, 2023, and November 13, 2023, the advocate and MCPS staff communicated regarding possible dates and times for a meeting. On November 16, 2023, MCPS staff emailed the complainant stating that the meeting on November 29, 2023, would be “a combination of parent/teacher conferences.”
3. On November 29, 2023, the IEP team convened to address the student’s lack of progress on some of his IEP goals. The prior written notice (PWN) generated after the meeting reflects that the IEP team considered “input from [the complainant’s advocate], observation classroom data, and Behavior Intervention Plan (BIP) data” in making its determinations. The IEP team recommended updating the student’s self-management goal to reflect the wording of the student’s BIP and to add “given choices” and “given preferred tasks” to the supplementary aids and services included in the IEP. The complainant shared ways to encourage the student to keep his hands to himself and items that she uses to motivate the student to complete tasks at home with the IEP team. The complainant also made requests for ways to encourage the student.
4. The parent contact log reflects on December 1, 2023, the MCPS provided the complainant with a written invitation to an IEP meeting scheduled for December 20, 2023.
5. On December 20, 2023, the IEP team reconvened at the request of the complainant. The PWN reflects that no changes to the IEP were proposed. The IEP team considered “therapy logs, progress reports, report card data, work samples, parental input, previous PEP recommendations, recommendation of the IEP team from [the student’s] kindergarten school year, teacher observations, teacher input, work samples, [BIP] data and classwork including countywide assessments” in making its determinations. The

The IEP team reviewed and discussed BIP data, and it was reported that the student's aggression and eating inedible objects had decreased although eloping from his designated area had increased. The complainant shared that there were certain incentives included in the BIP that she did not want the student to access, and teachers reported on the student's task completion and engagement in classroom instruction. It was reported that the student was not making progress or responding to behavior supports included in the IEP. The complainant requested that she receive a telephone call if the student "sleeps/falls asleep" while at school. It was reported that the student's BIP was in place since "October 9<sup>th</sup>."

6. The parent contact log reflects that on January 30, 2024, MCPS staff emailed the complainant sharing that the student's annual review was scheduled for March 6, 2024, and asked if the complainant would like to meet at that time. That same day the complainant emailed MCPS staff stating that she would be unable to attend the meeting on that date and was requesting that the meeting be "rescheduled next week."
7. The parent contact log reflects that on February 12, 2024, MCPS staff emailed the complainant an invitation to an IEP meeting scheduled for March 6, 2024.
8. On February 22, 2024, the IEP team reconvened at the complainant's request. The PWN generated after the meeting reflects "the IEP team used the Appendix A document, classroom data, observation, anecdotal documentation of [the student's] adaptive skills in the elementary setting (toileting, feeding, etc.), [and] previous psychological and educational evaluations" to make its determinations. Based on completion of the Appendix A form, the IEP team determined that the student qualifies as "a student with a significant cognitive disability and meets the criteria for the alternate assessment and alternate learning outcomes and the it was reported that the complainant "has fifteen school days to provide consent or refusal" and if no response is "noted" the Appendix A will be implemented. The PWN reflects that there were no rejections or dissenting opinions offered.
9. On March 6, 2024, the IEP team reconvened to conduct the student's annual review. The PWN generated after the meeting reflects the IEP team considered "IEP progress notes/date from the first semester through the middle of the third quarter..., report card data, therapy logs, classroom data, work samples, anecdotal teacher observations, previous assessment data, county-wide assessments and parental input" in making its determinations. The IEP team reported that the student's IEP was revised based on a review of his present levels of academic achievement and functional performance "to provide him with a free public education" and proposed to implement the student's IEP dated March 6, 2024. It was shared that the student was "consistently marked as not making progress in academic, behavioral, and task completion areas" and the IEP team had met several times to discuss his lack of progress. It was noted that the complainant disagreed with the student's "present levels" in foundational skills. The IEP team recommended updating the student's "instructional and testing accommodations, supplementary aids and services, services, and service hours" and at the complainant's request "alternative seating options and fidgets" were removed from the student's behavioral supports in the supplementary aids and services of the IEP. A toileting schedule was added to the IEP "to increase [the student's toileting success]" and the service hours were adjusted to reflect the student would have "self-contained special education recess due to safety concerns." The PWN reflects "[the student] requires an enclosed/fenced recess setting due to his elopement and eating of inedible items at recess. [The student] continue to require the behavior intervention plan to support his acquisition of safety behaviors." It was reported that the complainant was no longer going to send in "gluten free cookies" as part of the student's reinforcement options. It was noted that the complainant disagreed with "half of the instructional and testing accommodations and half of the supplementary aids and services," however, the PWN reflects

“The instructional and testing accommodations were read and interpreted through the language line and she did not disagree with any of the instructional and testing accommodations and/or supplementary aids and services.”

10. The IEP in effect for the student in August 2024 was developed on March 6, 2024. The IEP reflects the student’s primary disability as autism, with math calculation, reading comprehension, reading foundational skills, speech-language expressive language, speech-language receptive language, written language expression, adaptive behavior, social-emotional/behavioral, social interaction skills, and fine motor listed as areas affected by the disability. The IEP reflects that based on assessment results, “[the student] demonstrates the characteristics of autism spectrum disorder, characterized by social and communication deficits, coupled with restricted and repetitive behaviors or interests.”

The present level of academic achievement and functional performance (PLAAFP) data reflects the student performs on the following levels:

- Reading comprehension – preschool;
- Math calculation – beginning of kindergarten;
- Written language – middle of kindergarten;
- Speech-language receptive language – below age expectancy;
- Speech-language expressive language – below age expectancy;
- Reading foundational skills – middle of kindergarten;
- Social emotional/behavioral - below age expectancy;
- Social interaction skills – below age expectancy;
- Adaptive behavior – below age expectancies; and
- Fine motor – below age/grade expectation.

The PLAAFP data reflects February 2024, assessment, and present levels of performance data.

The IEP reflects the student’s communication is impacted by the disability and the student’s special communication needs are addressed through “direct speech-language services, related IEP goals and objectives and supplemental aids and services. Significant delays are noted in both receptive and expressive language including demonstrating understanding of orally presented materials (e.g., concepts, directions, questions) and use of language to communicate basic wants and needs.” The IEP requires “low-tech AT (pictures, picture symbols) to facilitate his understanding of spoken language, as well as his functional communication with listeners. This will be addressed through supplemental aids and services. AT support and services will be provided by the classroom staff.”

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

- Daily:
  - Adult supported use of manipulatives to promote appropriate use;
  - Close adult support for lunch, recess, toileting safety during toileting and movement throughout the building;
  - Toileting schedule/time schedule;
  - Adult support for task completion;
  - Adult support for breaks;
  - Adult facilitation/modeling for expressing wants and needs (i.e., bathroom), and
  - Adult facilitation of social interactions.

The IEP requires the following IEP goals:

- Reading foundational skills: “By March 2025: Given adult support to maintain safety, small group with minimal distractions, strategies to initiate and sustain attention, alternative ways to demonstrate learning, fading prompt hierarchy, blending board, visual boundaries for writing, and immediate feedback/concrete reinforcers, [the student] will know and apply phonics and word analysis skills in decoding words presented 5 per trial with 80% accuracy for 3 consecutive data sessions as measured by classroom data.”
  - Method of Measurement: Informal Procedures: classroom data
  - Criteria (Mastery and Retention) With: 80% accuracy for 3 consecutive data trials
- Social Interaction Skills: “By March 2025: Given adult support to maintain safety, adult facilitation of social greetings, greetings choice board, opportunities for repetition and practice, and encouragement of appropriate behavior, [the student] will greet familiar teachers and peers (i.e.: wave, high five, thumbs up, etc.) to promote socialization with 5 or less prompts from staff in 3 out of 5 trials as measured by classroom data.”
  - Method of Measurement: Informal Procedures: anecdotal data
  - Criteria (Mastery and Retention) With: 3 out of 5 trials
- Written Language Expression: “By March 2025: Given adult support to maintain safety, small group with minimal distractions, strategies to initiate and sustain attention, alternative ways to demonstrate learning, fading prompt hierarchy, immediate feedback/concrete reinforcers, visual boundaries for drawing and writing, word/picture bank, and picture choices from a field of 3, [the student] will focus on a topic and add details to strengthen his writing in 3 out of 5 trials as measures by classroom writing samples.”
  - Method of Measurement: Informal Procedures: classroom writing samples
  - Criteria (Mastery and Retention) With: 3 out of 5 trials
- Reading Comprehension: “By March 2025: Given adult support to maintain safety, small group with minimal distractions, strategies to initiate and sustain attention, alternative ways to demonstrate learning, fading prompt hierarchy, immediate feedback/concrete reinforcers, and picture choices from a field of 3, [the student] will describe characters and setting in high interest and curriculum text in 3 out of 5 trials as measured by classroom data.”
  - Method of Measurement: Informal Procedures: classroom data
  - Criteria (Mastery and Retention) With: 3 out of 5 trials
- Math Calculation: “By March 2025: Given adult support to maintain safety, small group with minimal distractions, strategies to initiate and sustain attention, alternative ways to demonstrate learning, fading prompt hierarchy, immediate feedback/concrete reinforcers, visual templates for counting and choices from a field of 3 when needed, [the student] will extend the counting sequence to 20, identify and represent the number of objects to 10 in 3 out of 5 trials as measured by classroom data:
  - Method of Measurement: Informal Procedures: classroom data
  - Criteria (Mastery and Retention) With: 3 out of 5 trials

- Speech-Language Receptive Language: "RECEPTIVE LANGUAGE: Given multimodal communication strategies (e.g., PCS support, visuals/objects) and multiple-choice options when appropriate, [the student] will demonstrate understanding of targeted concepts and basic questions by March 2025."
  - Method of Measurement: Informal Procedures: using hands-on materials, "PCS," and visual supports as needed Observation Record
  - Criteria (Mastery and Retention) With: 75 % Accuracy

This goal is not measurable as written. It does not require a measurable action to demonstrate mastery and retention.

- Speech-Language Expressive Language: "EXPRESSIVE LANGUAGE: Given multimodal communication supports (e.g., objects, PCS, communication device, photographs), [the student] will use words/phrasing to communicate for a variety of purposes (e.g., wants and needs, describe, responses to questions) by March 2025."
  - Method of Measurement: Informal Procedures: hands-on materials and activities, PCS support, visual cues Observation Record
  - Criteria (Mastery and Retention) With: 7 out of 10 trials
- Social Emotional/Behavioral: "By March 2025: Given a BIP, adult support to maintain safety to self and others, choices and preferred tasks, fading prompt hierarchy, visual supports, wait time, modeling, opportunities for repetition and practice, positive reinforcement, and encouragement of appropriate behavior, [the student] will follow school rules and routines by maintaining safety to self and others while at school as outlined in his BIP with a 5% decrease in baseline data (Q1/ weeks 9/26/23 to 10/10/23) as measured by quarterly classroom frequency data."
  - Method of Measurement: Informal Procedures: BIP frequency data
  - Criteria (Mastery and Retention) With: 5% decrease
- Fine Motor: "By March 2025, given close staff supervision for safety with fine motor tools, visual/verbal prompts, near-point model, and visual boundaries as needed, [the student] will demonstrate the fine and visual motor skills needed to complete school tasks in 3 out of 4 opportunities over four sessions as measured by therapist observation, staff consultation, and work samples."
  - Method of Measurement: Other: informal observations, staff consultation, work samples
  - Criteria (Mastery and Retention) With: 3 out of 4 trials

This goal is not measurable as written. It does not require a measurable action to demonstrate mastery and retention.

The IEP required the following related services:

- One, 30-minute session of occupational therapy outside general education, weekly;
- Two, 30-minute sessions of speech-language therapy outside general education, weekly; and
- Transportation.

The IEP does not require a dedicated aide.

11. The parent contact log reflects that on April 3, 2024, the complainant emailed MCPS staff requesting to have an IEP team meeting.

12. The parent contact log reflects that on April 23, 2024, MCPS staff emailed the complainant a “link for the meeting” on April 24, 2024.
13. The parent contact log reflects that on April 24, 2024, the complainant emailed MCPS staff requesting to reschedule the April 24, 2024, IEP meeting for “afternoon hours.” The email states that the complainant is unable to attend morning meetings.
14. The parent contact log reflects that on April 24, 2024, MCPS staff emailed the complainant thanking her for her email and letting her know that a new invitation would be sent home with the student that day.
15. On May 13, 2024, the IEP team reconvened at the complainant's request. The PWN generated after the meeting reflects the complainant shared that the student is not receiving his services and the student “isn't learning anything.” The IEP team discussed “that [the student] is not accessing [the] curriculum.” The complainant said that she was uncomfortable and asked to reschedule the meeting. The IEP team decided to reconvene the meeting on June 12, 2024.
16. On May 16, 2024, the complainant emailed MCPS staff requesting that the continuation IEP meeting be scheduled for an earlier date.
17. The parent contact log reflects that on May 17, 2024, MCPS staff emailed the complainant sharing that it was not possible for the meeting to be scheduled for an earlier time and “the 12<sup>th</sup>” is the earliest “convenience” that was available.
18. The student contact log reflects that on May 1, 2024, MCPS staff emailed the complainant sharing that the [redacted] team “[continues] to track the behavior outlined in his Behavior Intervention Plan. If there are any behaviors occurring that are not outlined in his plan you will be contacted.”
19. The parent contact log reflects that on June 4, 2024, a MCPS “program coordinator” followed up with the complainant “to communicate a meeting is scheduled for June 12<sup>th</sup>.”
20. Although there is documentation of an IEP meeting notice for a meeting on June 12, 2024, there is no documentation that the complainant received an invitation to the meeting.
21. On June 12, 2024, the IEP team reconvened at the complainant's request. The PWN generated after the meeting reflects the IEP team considered “current classroom data, observation, anecdotal notes, [and] IEP progress notes” to make its determinations. The IEP team proposed to include progress data for the student's present level of performance for fine motor skills and parental input into the IEP. The complainant reported strengths that she observed in the student, and shared that he does not show, tell, or try to tell the family what he has learned at school. The parent confirmed that she receives “the weekly grades and weekly communication from the teacher about what he is being instructed on each week.” The student's family and the school-based team shared their concerns about the student's “lack of progress, the number of redirections required and [the student's] lack of engagement with the instruction and instructional model.”
22. There is documentation that the IEP team collected BIP data from the second, third, and fourth quarters of the 2023-2024 school year.

23. On June 20, 2024, the MCPS held a parent conference to address the complainant's concerns about the student's behavior. During the conference, the complainant shared that the student's BIP "was only implemented during the month of October" and it was not appropriate to address the student's needs. MCPS central office staff who observed the student shared that the student's BIP was being implemented "every time she came to visit." The complainant shared that she was not getting updates on the BIP. MCPS staff shared that the complainant received updates from the classroom teacher weekly.

The complainant requested to hold an IEP meeting, and MCPS staff shared "there was no new data to consider, and the new IEP would be implemented in the fall." It was also shared that the IEP team could reconvene 30 days into the first quarter of the new school year.

24. The student contact log reflects that on July 31, 2024, the complainant was contacted due to the student's inappropriate behavior during Extended School Year (ESY) services. The log reflects that s "Mom decided to pick [the student] up."
25. The student contact log reflects that on August 1, 2024, MCPS staff emailed the complainant sharing that the student has an "FBA/BIP to address his behaviors that the teachers and support staff are implementing. However, it has not changed/modified his behavior to date." The email states that due to the complainant declining to accept other services that the IEP team offered to support the student the team "will continue to implement the behavior plan to address his behaviors."
26. Although there is documentation of an IEP meeting invitation being generated on September 11, 2024, for a meeting scheduled for September 26, 2024, there is no documentation that the invitation was provided to the complainant.
27. On September 26, 2024, the IEP team convened to conduct reevaluation planning for the student. The PWN generated after the meeting reflects the IEP team considered "current classroom data, IEP data from the previous school year, team review of file, and parental feedback" to make its determinations. The IEP team proposed to update the students' assessments and expressed the same concerns about the students' behavioral needs that the family shared. The complainant stated that the student needs a behavior plan, and the school-based team shared that he has one.
28. On September 26, 2024, the complainant provided consent for the student to be assessed in academic performance, observation, and status reports for speech-language, occupational therapy (OT), and psychological.
29. On October 7, 2024, the complainant emailed MCPS staff sharing that for the past two weeks the student had been placed in the sensory room and was not attending his classes. The complainant requested that an FBA be conducted to better understand the underlying causes of the student's behaviors and a BIP be developed based upon that information. The complainant requested to schedule an IEP meeting within the next 10 days.
30. On October 8, 2024, the complainant emailed MCPS staff sharing that based on his behaviors the student was being restricted from going "upstairs" which was hindering "his social and academic development" and preventing him from having opportunities to "interact with his peers and engage in various activities throughout the school." The complainant also shared that the student did not receive his OT services on October 5, 2024. The complainant requested an opportunity to discuss these concerns.



31. On October 8, 2024, MCPS staff emailed the complainant sharing that the student has not missed any speech or OT services this year, the team was continuing to collect behavioral data. The email reflects that a meeting will be held on October 31, 2024, to discuss "quarter 1, data collected...and updated information."
32. On October 8, 2024, MCPS staff emailed the complainant sharing that the student had a significant toileting, disrobing, and aggressive behavior incident for which the [REDACTED] team contacted the crisis mobile team, and the complainant was asked to come to the school to pick the student up.
33. On October 10, 2024, the complainant emailed MCPS staff "to explain why [the student] has been staying at home." The email reflects that the complainant asked the MCPS staff member if the student could return to school on October 9, 2024, and she was told she would "receive a call or email within an hour" but she had not received any communication since that time. The complainant shared that due to a lack of communication, she kept the student at home "waiting for clear guidance on whether it is safe for him to return to school." The complainant requested to be informed of the next steps as soon as possible.

There is documentation that this email was not addressed to the MCPS staff member to whom it was sent and was forwarded to [REDACTED] administrators on the same day. The receiving MCPS staff member did not respond to the complainant because the email was addressed to someone else, and she thought that the person received the email as well.

34. The student contact log reflects that on October 14, 2024, MCPS staff contacted the complainant by telephone to inquire if the student was "ok." The complainant shared that she was waiting for an email stating that the student could come to school, and the MCPS staff member explained that "this was never the case." The complainant said that she would bring the student to school the next day.
35. On October 16, 2024, the complainant emailed MCPS staff requesting homebound instruction for the student.
36. On October 16, 2024, MCPS staff emailed the complainant stating that an IEP team meeting would need to be held, and the school staff included in the response email would follow up to arrange that.
37. On October 16, 2024, MCPS staff responded to the complainant stating that a meeting would be scheduled to discuss the complainant's request.
38. On October 17, 2024, MCPS staff emailed the complainant sharing that an IEP meeting had been scheduled for October 22, 2024, to discuss the complainant's request.
39. On October 24, 2024, the complainant emailed MCPS staff stating that she received the student's IEP and assessment documents in his backpack on October 23, 2024.
40. On October 25, 2024, MCPS staff emailed the complainant copies of "the assessments and draft IEP for [the] meeting next week." The email did not include a copy of the IEP meeting invitation.
41. There is no documentation that the complainant was provided notice for the October 31, 2024, the IEP team meeting.

42. On October 29, 2024, a major incident report was written for the student regarding his unsafe and physically aggressive behavior toward others on the school bus. The student took of his "5 point harness" hit and kicked two students. The student was placed back into his harness but continued to get out and ran to the front of the bus. The student was injured as a result of the incident.
43. The parent contact log reflects that on October 30, 2024, MCPS staff emailed the complainant sharing that an [REDACTED] administrator stated that he followed up with the complainant regarding the injury sustained during the bus incident.
44. On October 30, 2024, a major incident report was written for the student regarding his unsafe behavior on the school bus. The student got out of his harness twice and struck a student and the bus aide. The student was returned to the school and deemed "not safe to ride the bus home." While in the conference room the student exhibited violent and aggressive behavior toward staff. The complainant was called.
45. On October 31, 2024, the IEP team reconvened to conduct the student's annual review. The PWN generated after the meeting reflects the IEP team considered "[the] Brigance Educational Assessment Oct. 2024, [the] Psychological Status updated Oct. 2024, [the] OT Status update Oct. 2024, [the] Speech Status update Oct. 2024, [and the] IEP present levels" in making its determinations. Based on assessment data and the "status review" the IEP team determined that the student qualifies for Alternate Learning Outcomes (ALO) due to the cognitive, academic, and behavioral impacts and the significant delay in daily life skills. It was noted that the family disagreed with the ALO determination.
46. The IEP developed on October 31, 2024, reflects autism as the student's primary disability and communication, math calculation, reading comprehension, reading foundational skills, speech-language expressive language, speech-language receptive language, written language expression, adaptive behavior, social-emotional/behavioral, social interaction skills, and fine motor listed as areas affected by the disability.

The PLAAFP data reflects the student performs on the following levels:

- Reading comprehension – pre-kindergarten;
- Math calculation – beginning of kindergarten;
- Written language expression – pre-kindergarten;
- Speech-language receptive language – below age expectancy;
- Communication – below age expectancy;
- Reading foundational skills – pre-kindergarten;
- Social emotional/behavioral - significantly below age expectancy;
- Social interaction skills – below age expectancy; and
- Fine motor – nearing functional fine motor skills; "[The student] has been seen three times since the reevaluation assessment forms were signed by his mother on September 26th, 2024. He was absent from school for approximately one week and missed an occupational therapy session as a result."

The PLAAFP data reflects assessment and present level of performance data from October 2024.

The IEP reflects the student's communication is impacted by the disability. "[The student's] receptive language needs will be supported through direct speech and language services and goal(s). His expressive functional communication will be addressed through direct speech and language services and goal(s) outlined in the IEP." The student's AT services continued.

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

- Daily;
  - Adult supported use of manipulatives to promote appropriate use;
  - Human reader for grade level access;
  - Close adult support for lunch, recess, safety during toileting and movement throughout the building;
  - Adult support for transitions throughout the building;
  - Toileting schedule/time schedule;
  - Adult support for task completion;
  - Adult support for breaks;
  - Adult facilitation/modeling for expressing wants and needs (i.e., bathroom); and
  - Adult facilitation of social interactions.

The IEP requires the following IEP goals:

- Fine motor: “By October 2025, using spacing strategies, [the student] will demonstrate the fine and visual motor skills needed to incorporate appropriate spacing between words in 3 out of 4 opportunities as measured by therapist observation, team report, and work samples.”
  - Method of Measurement: Other: informal observations, team report, work samples
  - Criteria (Mastery and Retention) With: 3 out of 4 trials
- Social Emotional/Behavioral: “By October 2025: Given a BIP, adult support to maintain safety to self and others, choices and preferred tasks, fading prompt hierarchy, visual supports, wait time, modeling, opportunities for repetition and practice, positive reinforcement, and encouragement of appropriate behavior, [the student] will follow school rules and routines by maintaining safety to self and others while at school as outlined in his BIP with a 5% decrease in baseline data (Q1/ weeks 9/26/23 to 10/10/23) as measured by quarterly classroom frequency data.”
  - Method of Measurement: Informal Procedures: BIP frequency data
  - Criteria (Mastery and Retention) With: 5 % decrease
- Speech-Language Receptive Language: “Receptive Language: Given multimodal communication strategies (e.g., PCS support, visuals/objects) and small field of multiple-choice options, [the student] will identify people, actions and places with 80% accuracy across two sessions by October 2025.”
  - Method of Measurement: Observation Record
  - Criteria (Mastery and Retention) With: 3 out of 4 trials
- Math Calculation: “By October 2025: Given adult support to maintain safety, small group with minimal distractions, strategies to initiate and sustain attention, alternative ways to demonstrate learning, fading prompt hierarchy, immediate feedback/concrete reinforcers, visual templates for counting and choices from a field of 3 when needed, [the student] will extend the counting sequence to 20, identify and represent the number of objects to 10 in 3 out of 5 trials as measured by classroom data.”
  - Method of Measurement: Informal Procedures: classroom data
  - Criteria (Mastery and Retention) With: 3 out of 5 trials
- Reading Comprehension: “By October 2025 Given adult support to maintain safety, small group with minimal distractions, strategies to initiate and sustain attention, alternative ways to demonstrate learning, fading prompt hierarchy, immediate feedback/concrete reinforcers, and picture choices from a field of 3, [the student] will describe characters and setting in high interest and curriculum text in 3 out of 5 trials as measured by classroom data.”

- Method of Measurement: Informal Procedures: classroom data
- Criteria (Mastery and Retention) With: 3 out of 5 trials
- Written Language Expression: “By October 2025: Given adult support to maintain safety, small group with minimal distractions, strategies to initiate and sustain attention, alternative ways to demonstrate learning, fading prompt hierarchy, immediate feedback/concrete reinforcers, visual boundaries for drawing and writing, word/picture bank, and picture choices from a field of 3, [the student] will focus on a topic and add details to strengthen his writing in 3 out of 5 trials as measures by classroom writing samples.”
  - Method of Measurement: Informal Procedures: classroom writing samples
  - Criteria (Mastery and Retention) With: 3 out of 5 trials
- Social Interaction Skills: “By October 2025: Given adult support to maintain safety, adult facilitation of social greetings, greetings choice board, opportunities for repetition and practice, and encouragement of appropriate behavior, [the student] will greet familiar teachers and peers (i.e.: wave, high five, thumbs up, etc.) to promote socialization with 5 or less prompts from staff in 3 out of 5 trials as measured by classroom data.”
  - Method of Measurement: Informal Procedures: anecdotal data
  - Criteria (Mastery and Retention) With: 3 out of 5 trials
- Reading Foundational Skills: “By October 2025: Given adult support to maintain safety, small group with minimal distractions, strategies to initiate and sustain attention, alternative ways to demonstrate learning, fading prompt hierarchy, blending board, visual boundaries for writing, and immediate feedback/concrete reinforcers, [the student] will know and apply phonics and word analysis skills in decoding words presented 5 per trial with 80% accuracy for 3 consecutive data sessions as measured by classroom data.”
  - Method of Measurement: Informal Procedures: classroom data
  - Criteria (Mastery and Retention) With: 80% accuracy for 3 consecutive data trials
- Communication: “Expressive Communication: Provided multimodal communication supports and a total communication approach and visual support, [the student] will use 5 core words functionally in 4 of 5 trials across two sessions by October 2025.”
  - Method of Measurement: Observation Record
  - Criteria (Mastery and Retention) With: 4 out of 5 trials

The IEP required the following related services:

- One, 30-minute session of occupational therapy outside general education, weekly;
- Six, 30-minute sessions of speech/language therapy outside general education, monthly; and
- Transportation.

The IEP does not require a dedicated aide.

47. There is documentation that the IEP team collected BIP data for the first quarter of the 2024-2025 school year.

48. On November 1, 2024, MCPS staff emailed the complainant referring to her picking the student up “on Wednesday 10/30 because [the student] was not safe on the bus” and was getting out of his seatbelt and hitting and kicking other students. The staff member shared information with the complainant about the student using a harness before he got on the bus that would allow the bus driver to “clip him into the seat/seatbelt.” The complainant emailed the staff member sharing that she would like to see how things go without using the harness.
49. The student’s progress toward achieving the IEP goals for the fourth quarter, dated November 1, 2024, for the were as follows:
- Fine Motor: Making sufficient progress to meet goal - “[the student] has achieved two of his objectives. He demonstrates writing within top and bottom lines and anchors letters to the baseline in 3/4 trials when writing preferred numbers and words. He cuts within 1/16 to directly on straight and curved lines as well as shapes (i.e., circle, triangle, etc.) in 4/4 trials. [The student] is close to achieving spacing between words as he demonstrates correctly in 2/4 trials.”
  - Social Emotional/Behavioral: Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress) - “Quarter 1 frequency data collected is as follows: Objective 1: Hands to self-baseline 73. Frequency data to date 145. Objective 2: Remaining in assigned area baseline 100. Frequency data to date 54. Objective 3: Keeping non edibles out of mouth baseline 65. Frequency data to date 38. Frequency data from quarter 1 shows a decrease in baseline in the area of out of area and keeping non edibles out of mouth. These decreases are due to having an adult monitoring [the student] throughout the day. There was an increase over baseline in hands to self. These incidents occurred when a preferred adult was away from [the student] or when he was feeling frustrated. IEP meeting held 10-31-24 to discuss lack of progress.”
  - Speech and Language Expressive Language: Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress) - “[The student] has relied on support from his familiar 1:1 support person in a quiet environment to engage in activities presented paired with immediate reinforcement (edibles sent in from home). He benefits from first/then visual support and requires frequent breaks. Given a quiet environment, visual supports (pictures with text), first/then visuals, wait time, repetition of question/direction, verbal and gestural prompting, few tactile cues under his chin by his 1:1 support person and given immediate reinforcement after three attempts, he has imitated 2-3 word patterned sentences to share complete thoughts by stating people/animals+actions or people/animals+locations. Given supports in place and prompting as needed he has [sic], He has labeled actions in real images 6/10x correctly. Picture symbols with core vocabulary text (bathroom, eat, drink, more, all done, break, play, sit, etc.) are modeled throughout sessions to encourage [the student] to improve his functional communication.”
  - Speech and Language Receptive Language: Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress) - “[The student] works with his familiar 1:1 support person and the speech therapist during speech sessions. When he is emotionally available, he works in a quiet environment for 5-7 minutes before requiring a break. He relies on first/then visual supports, immediate reinforcement, and benefits from functional communication to be visually presented and modeled. (i.e. More, finished, break, play, go, walk, sit) Given a quiet environment, redirection to task and repetition of direction with first/then reminders, wait time, small visual field of choices (1-2), and access to core communication words, [the student] has identified body parts, colors, shapes and numbers inconsistently; identified the correct response from a field of two for who questions with 50% accuracy, what doing questions (actions) with 65% accuracy and locations with 50%

accuracy. Spatial concepts have not yet been targeted. [The student] would continue to benefit from opportunities to learn functional communication to have his needs met across settings. i.e., bath rooming needs, hunger, thirst, needing a break etc., as well as basic concepts (concepts that help an individual functionally across settings).

- Math Calculation: Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress) - "[The student] requires frequent breaks throughout the school day to support with an increase in disruptive behaviors which impacts his participate in instruction. Monitoring of materials continues to be a concern, therefore [the student] is identifying numbers and values of visuals rather than manipulatives. Objective 1 - When [the student] was available for instruction and participating, using hand over hand to point, [the student] will point and count counting cards using 1:1 correspondence that are presented in random sets of up to 13 in 3 out of 5 trials as measured by classroom data. Objective 2 - [The student] is not identifying how many after a set amount is counted for him. He becomes fixed on numbers and repeats set 5-digit number pattern, repeats how many, or gives no response. [The student] will answer "how many" after an adult counts aloud objects in sets presented in random order (1 through 10) in 0 out of 5 trials as measured by classroom data. IEP meeting held 10-31-24 to discuss lack of progress."
- Reading Comprehension: Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress) - [The student]'s interfering behaviors and need for frequent breaks throughout the school day has impacted his participation in instruction. When [the student] is in an environment with as minimal distractions (quiet, one to one teacher student ratio) and is asked to answer WHO questions, he is inconsistent with his responses but is more accurate when it is a preferred text which has not been one from the curriculum. From a field of 3, [the student] will answer "who" questions to describe character in high interest in 2 out of 5 trials and curriculum text in 0 out of 5 trials as measured by classroom data. IEP meeting held 10-31-24 to discuss lack of progress."
- Written Language Expression: Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress) - [The student] requires frequent breaks throughout the school day which impacts his participation in instruction. When presented with no more than two choices, [the student] would not identify a choice or if he did, it was picked by grabbing the picture. When given the choice to draw a related picture when the topic was given, [the student] would write a pattern of 5 numbers. When [the student] was given pictures to represent his writing, he needed errorless choices. [The student] brought focus to topic by drawing a simple representation of the given writing task in 0 out of 5 trials as measures by classroom writing samples. IEP meeting held 10-31- 24 to discuss lack of progress."
- Social Interaction Skills: Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress) - [The student] is greeting familiar teachers (i.e.: wave, high five, thumbs up, etc.) to promote socialization with 5 or less prompts from staff in 2 out of 5 trials. [The student] will make eye contact and look at the familiar teacher, he will grab hands with the familiar teacher, but he often requires more than 5 prompts to greet the staff [the student] is greeting familiar peers (i.e.: wave, high five, thumbs up, etc.) to promote socialization with 5 or less prompts from staff in 1 out of 5 trials. [The student] displays no interest in his peers. When supported with greeting his peers, [the student] doesn't look at his peers or attempt to engage in any greeting. With multiple prompts he will repeat their name. IEP meeting held 10-31-24 to discuss lack of progress."
- Reading Foundational Skills: Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress) - "[The student]'s interfering behaviors have impacted his participation in instruction. Even with a highly motivating reinforcer, [the student's] participation is inconsistent. In isolation he is able to identify sounds in VC non-sense patterns but would not participate in any instruction with blending sounds when presented 5 per trial with 10% accuracy. IEP meeting held 10-31-24 to discuss lack of progress."

50. On November 11, 2024, a major incident referral was written for the student stating that the student “flipped over desks, chairs, kicked staff in the face/stomach, slapped staff” and made multiple attempts to disrobe.
51. There is documentation that on November 15, 2024, MCPS staff emailed the complainant the meeting invitation for a November 25, 2024, IEP meeting.
52. On November 19, 2024, a major incident referral was written for hitting a teacher.
53. On November 20, 2024, a major incident referral was written for the student because he physically attacked three teachers and attempted to disrobe.
54. On November 21, 2024, MCPS staff emailed the complainant stating that the student would not be able to attend the November 22, 2024, class field trip due to “[the student’s] increased and unsafe behaviors we have experienced this year...there will be hundreds of students attending and it could be very overwhelming for [the student]. [The student] can come to school and work directly with his one on one...on curriculum needs.”
55. On November 25, 2024, MCPS staff emailed the complainant the link for the IEP meeting scheduled for November 25, 2024.
56. On November 25, 2024, the IEP team reconvened at the complainant’s request. The PWN generated after the meeting reflects the school team considered “parental feedback, IEP present levels, teacher and related service provider input” to make its determinations. The IEP team proposed adding “home/school communication” to the IEP “to provide parents with current information regarding [the student’s] academics and behavior, including data related to the [BIP] (physical aggressions as defined by lunging, hitting, and pulling hair; leaving the assigned area which includes leaving the assigned seat, room and area; and pica which includes picking up non-food items and attempting to swallow or chew it).” The IEP team determined the student would continue to have access to “multimodal communication tools for functional communication.” Parents expressed concerns with “the lack of information being shared, the inability to get in touch with the classroom teacher, and work isn’t being sent home.” The complainant reported that she has “picked [the student] up 15 times due to his behavior including last school year and during ESY (summer).” The principal shared that the student has been “picked up twice this year after a phone call home due to [the student] requiring a change of clothing given a toileting accident.” The PWN reflects the school will clarify the purpose of the call when they call home.
57. The amended IEP developed on November 25, 2024, reflects the student’s primary disability and areas affected by the disability continued. The IEP reflects “based on assessment results, the team has determined that [the student] meets the criteria for a diagnosis of autism spectrum disorder.”

The PLAAFP data in communication, reading foundational skills, written language expression, reading comprehension, math calculation was updated. Social emotional/behavioral and adaptive behavior BIP data was updated. Speech-language data continued.

The IEP continued:

- The communication data;
- The supplementary aids, services, program modifications, and supports;
- The IEP goals; and
- The related services.

58. On December 4, 2024, the complainant's advocate emailed MCPS staff requesting an IEP meeting within 30 days from the date of the correspondence. The email shared that there were days when the student arrived home with a change of pants and the complainant received no communication from the school to explain what happened. The advocate requested that homeschool communication be put in place immediately.
59. On December 4, 2024, MCPS staff emailed the complainant and her advocate apologizing for the complainant not being contacted on days when the student had accidents "despite being given bathroom breaks." The email shared that the accidents "resulted in a change of clothes" and the complainant would receive weekly communication regarding the student's behavior successes and challenges as discussed at the November 25, 2024, IEP meeting. The email reflects that the complainant would be notified daily if the student needs a change of clothes. The MCPS staff member requested time for the team to address the concerns raised and a meeting would be scheduled after winter break if the complainant still had concerns.
60. On December 4, 2024, MCPS emailed the complainant and offered three days for an IEP meeting, two days in December and one day in January.
61. From December 4 - 18, 2024, MCPS staff, the complainant, and her advocate negotiated a time for a December meeting. On December 17, 2024, MCPS staff emailed the complainant to inquire whether she would be attending the December 20, 2024, IEP meeting virtually or in person. On December 19, 2024, the complainant informed MCPS that her advocate could not attend and requested that the meeting be rescheduled.
62. On January 10, 2025, MCPS staff emailed the complainant offering January 21, 2025, as a date to "reschedule the IEP meeting from December 20<sup>th</sup>." Later that same day the staff member emailed the complainant an IEP meeting invitation for a January 21, 2025, IEP meeting.
63. There is documentation that the student received special education and speech-language services as required by the IEP.
64. The student missed two sessions of occupational therapy as required by the IEP since August 2024.
65. There is documentation that behavioral data was collected for the second quarter.
66. There is documentation that there was a request to stop the student's transportation services to [REDACTED] on November 18, 2024. On November 19, 2024, a request was placed to start the student's transportation services to [REDACTED], which started on November 21, 2024.
67. There is documentation that since November 2023 the complainant was contacted 10 times due to the student disrobing at school.



## **DISCUSSIONS AND CONCLUSIONS:**

### **ALLEGATION #1                      PROVISION OF IEP MEETING INVITATIONS MEETING AT MUTUALLY AGREED UPON TIME**

#### **IEP Meeting Invitations**

Based on Findings of Fact #20, #26, and #40, MSDE finds that the MCPS did not provide the parent with written invitations to the IEP team meetings on June 12, 2024, September 26, 2024, and October 31, 2024, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

#### **Meeting at a Mutually Agreed Upon Time**

Based on Findings of Fact #2, #5, #6, #11 to #17, #19 to #21, #23, #35 to #38, #56, and #58, MSDE finds that the MCPS did ensure that the IEP team meetings occurred at a mutually agreed upon time since November 2023, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07. Therefore, MSDE does not find a violation.

### **ALLEGATION #2                      ASSESSING STUDENT IN ALL AREAS OF NEED**

In this case, the MCPS conducted an FBA on August 22, 2023. The results of the FBA were used to develop a BIP for the student. The BIP addresses physical aggression, leaving the assigned area, and PICA. The student's IEP addresses his toileting needs.

Based on Findings of Fact #1, #3, #5, #10, #22, #23, #25, #29, #46, #47, #5, and #57, MSDE finds that the MCPS has conducted an FBA to determine the student's social emotional/behavioral needs since November 2023, in accordance with 34 CFR §§ 300.301, .303, and .304. Therefore, MSDE does not find a violation.

## **ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION**

#### **Proper Procedures for Completing a Reevaluation**

The results of assessment procedures shall be used by the IEP team in reviewing, and, as appropriate, revising the student's IEP within 90 days of the IEP team meeting. (COMAR 13A.05.01.06).

In this case, the complainant provided consent for assessments on September 26, 2024, thereby requiring the team to reconvene to review or revise the student's IEP by December 25, 2024. Although the complainant and her advocate canceled the meeting that was scheduled for December 20, 2024, MCPS was required to review the assessments and develop the student's IEP by that date.

Based on Findings of Fact #28, and #60 to #62, MSDE finds that the MCPS did not ensure that the reevaluation of the student was completed within the required timelines, in accordance with 34 CFR §300.301 and COMAR 13A.05.01.06. Therefore, MSDE finds a violation.

**ALLEGATION #3                      AN IEP THAT ADDRESS THE STUDENT’S ACADEMIC AND  
BEHAVIORAL NEEDS**

**IEP Development**

**Academic, Behavioral, Communication, and Toileting Needs**

In this case, the student’s academic and communication needs are addressed through the IEP goals, supplementary aids, specialized education, and related services. The student’s behavior and toileting needs, of which disrobing is considered to be a derivative by MCPS, are addressed through the IEP and BIP. In November 2024 and March 2024, the IEP team met, and updated IEP supports, however, there were no changes made to the student’s BIP although it was stated that the BIP in effect was not addressing the student’s current inappropriate behaviors.

Based on Findings of Fact #10, #46, and #57, MSDE finds that the MCPS has developed an IEP that addresses the student’s identified academic, communication, and toileting needs since August 2024, in accordance with 34 CFR §§ 300.320, .323, and .324. Therefore, MSDE does not find a violation.

Based on Findings of Fact #1, #22, #25, #27, #31, #32, #42, #44, #45, #46, #47, #49, #50, #52, #53, #57, and #67, MSDE finds that the MCPS has not updated the student’s BIP to address his behavioral needs, therefore, not developing an IEP that addresses the student’s identified behavioral needs since August 2024, in accordance with 34 CFR §§ 300.320, .323, and .324. Therefore, MSDE finds a violation.

**Measurable IEP Goals**

Based on Finding of Fact #10, MSDE finds that the MCPS has not developed a measurable speech-language receptive language and fine motor IEP goal from August 1, 2024, to October 31, 2024, in accordance with 34 CFR §§ 300.320, .323, and .324. Therefore, MSDE finds a violation.

Notwithstanding the violation, based upon Finding of Fact #46, MSDE finds that on October 31, 2024, the MCPS developed measurable speech-language receptive language and fine motor IEP goals. Therefore, no further corrective action is required.

Based on Finding of Fact #46, MSDE finds that the MCPS has developed measurable IEP goals since October 31, 2024, in accordance with 34 CFR §§ 300.320 and .324. Therefore, MSDE does not find a violation.

**IEP Implementation**

**Academic, Communication, and Toileting Needs**

Based on Findings of Fact #10, #46, #57, and #63, MSDE finds that the MCPS has implemented an IEP that addresses the student’s identified academic, communication, and toileting needs since August 2024, in accordance with 34 CFR §§ 300.320, .323, and .324. Therefore, MSDE does not find a violation.

**Behavioral**

Based on Findings of Fact #1, #22, #25, #27, #31, #32, #42, #44, #45, #46, #47, #49, #50, #52, #53, #57, and #67, MSDE finds that the MCPS has not implemented an IEP that addresses the student’s identified behavioral needs since August 2024, in accordance with 34 CFR §§ 300.320, .323, and .324. Therefore, MSDE finds a violation.

### **Provision of Speech-Language Services**

Based on Findings of Fact #10, #46 and #64, MSDE finds that the MCPS has ensured that the student has been provided with the speech-language therapy required by the IEP since August 2024, in accordance with 34 CFR §§ 300.320, .323, and .324. Therefore, MSDE does not find a violation.

### **Provision of OT**

Based on Findings of Fact #10, #46 and #65, MSDE finds that the MCPS has not ensured that the student has been consistently provided with the OT required by the IEP since August 2024, in accordance with 34 CFR §§ 300.320, .323, and .324. Therefore, MSDE finds a violation.

### **Provision of a Dedicated Aide**

Based on Findings of Fact #10, and #46, MSDE finds that student's IEP did not require the provision of a dedicated aide services since August 2024. Therefore, MSDE does not find a violation.

### **Provision of Transportation Services**

Based on Findings of Fact #10, #46 and #66, MSDE finds that the MCPS has ensured that the student has consistently received the transportation services required by the IEP since August 2024, in accordance with 34 CFR §§ 300.320, .323, and .324. Therefore, MSDE does not find a violation.

## **ALLEGATION #4 DISCIPLINARY PROCEDURES**

A student with a disability may be removed from the student's current placement for not more than 10 consecutive school days for any violation of school rules to the same extent that removal is applied to students without disabilities (COMAR 13A.08.03), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement). (34 CFR § 300.530).

In this case, the complainant was asked to pick the student up from school on October 8, 2024, and the student was prevented from going on a field trip on November 22, 2024, due to the student's behavior. A one-day removal does not activate the disciplinary protections mandated by the IDEA.

Based on Findings of Fact #32 and #53, MSDE finds that the student had one disciplinary removal since August 2024. Therefore, the MCPS was not required to implement the additional IDEA procedures when disciplinarily removing the student from school in accordance with 34 CFR §§ 300.530 - .536, COMAR 13A.08.03, and COMAR 13A.05.01.10. Therefore, MSDE does not find a violation.

That said, there are general education procedures required when students are removed from school for disciplinary reasons. There is no documentation that these procedures were followed pursuant to COMAR 13A.08.01.11. MCPS is advised to ensure all school administrators comply with these regulations as there are potential implications for the provision of a FAPE.

### **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, 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.<sup>1</sup> 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 Branch, MSDE, to ensure the effective implementation of the action.<sup>2</sup> 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 April 10, 2025, MSDE requires the MCPS to provide documentation that an IEP team meeting was convened to determine the amount and nature of compensatory services or other remedies to redress the violations herein and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

#### **School-Based**

MSDE requires the MCPS to provide documentation by April 10, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for implementation of the IEP, timely reevaluations, the development of measurable annual goals, the provision of related services, and the provision of IEP meeting invitations to parents under the IDEA and COMAR. 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 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. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, at [Tracy.Givens@maryland.gov](mailto:Tracy.Givens@maryland.gov). 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.

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<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 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.

<sup>2</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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/ebh

c: Dr. Thomas W. Taylor, Superintendent, MCPS  
Diana K. Wyles, Associate Superintendent, MCPS  
Dr. 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