

February 4, 2025

Ms. Jaime E. Seaton, Esq.
110 N. Washington Street, Suite 404
Rockville, Maryland 20850

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

RE: [REDACTED]
Reference: #25-140

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 18, 2024, MSDE received a complaint from Ms. Jaime Seaton, 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 ensure that the parent was provided with reports of the student’s progress toward achieving the annual Individualized Education Program (IEP) goals during the 2023-2024 school year, in accordance with 34 CFR § 300.320.
2. The MCPS has not ensured that the student was provided with the specialized instruction and supports in the language of instruction as required by the IEP since November 2023, in accordance with 34 CFR §§ 300.101 and .323.
3. The MCPS did not ensure that the IEP team convened to review the student’s IEP before March 27, 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324.
4. The MCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the May 21, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.

5. The MCPS did not provided the parent with a written invitation to the May 21, 2024, IEP team meeting, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D.

BACKGROUND:

The student is nine years old and is identified as a student with Specific Learning Disability (SLD) ([REDACTED], [REDACTED]) 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 IEP in effect in November 2023 was developed on March 28, 2023, and amended on October 24, 2023. The IEP reflects the projected annual review date as March 27, 2024. The student's native language is listed as "English." The IEP requires the following supplementary aids, services, program modifications and supports:

- Allow use of manipulatives, as needed;
- Have student repeat and/or paraphrase information, as needed;
- Repetition of directions, daily;
- Use of word bank to reinforce, as needed;
- Provide assistance w/organization, as needed; and
- Preferential seating, daily.

The IEP requires the following IEP goals:

- Reading Phonemic Awareness:
 - "Given research-based intervention, [the student] will increase her ability to identify and pronounce letter sounds and blending two graphemes together to read one syllable consistent with instructional-level expectations as measured by teacher performance criteria, by 3/28/24."
 - Method of Measurement: Classroom-Based Assessment: Teacher Performance
 - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Reading Fluency:
 - "Given a 40-word sight word list from her general education curriculum, [the student] will increase her sight words at a rate consistent with grade-level expectations as measured by informal reading inventories, by 3/28/24."
 - Method of Measurement: Classroom-Based Assessment: informal reading inventory -- flash word list
 - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Written Language Content:
 - "Given access to viewing of the text, wait time, and verbal discourse of the text previous to the writing process, [the student] will write a paragraph in which she will introduce the topic or book that she is writing about, state the main idea, supply detail(s) supporting the main idea, use linking words, and use a complete sentence as a closing sentence with 80% accuracy as measured by teacher performance criterion by 3/28/2024."
 - Method of Measurement: Classroom-Based Assessment: teacher performance criterion
 - Criteria (Mastery and Retention) With: 4 out of 5 trials

- Speech and Language Articulation
 - “[the student] will produce vowelized and consonantal /r/ in conversational speech, independently, with 50% accuracy.”
 - Method of Measurement: Informal Procedures: session data Criteria (Mastery and Retention) With: Accuracy specific to objectives

The IEP required the following special education services:

- Four, 30-minute sessions of classroom instruction outside general education, weekly;
 - “A reading specialist trained in research-based intervention will offer the half-hour lessons to support [the student’s] decoding and encoding, phonological and reading skills;”
- Five, one-hour sessions of classroom instruction in general education, weekly;
 - “[The student] will receive 1 hour of special education services daily within the general education setting to work on her reading fluency and written content goals and objectives;” and
- Two, 10-minute sessions of speech-language therapy outside general education, weekly.

The IEP does not require the provision of specialized instruction or supports in a specific language.

2. The January 26, 2024, reporting of the student’s progress toward the IEP goals reflects the student was making sufficient progress to meet the IEP goal in reading phonemic awareness, and was not making sufficient progress in reading fluency and written language content. There was no progress reported for speech-language articulation.
3. On February 1, 2024, the IEP team convened an amendment meeting at the request of the parents. The prior written notice (PWN) generated after the meeting reflects the meeting was requested “so that the family can have a progress update as [the student] has been receiving her reading intervention in English and also receiving support in reading from the [REDACTED] interventionist 4 times weekly.” The PWN reflects the school team had been providing the student’s reading intervention and the student’s support schedule was adjusted in an October 2023 amendment meeting. Parental input from the meeting reflects that the student’s mother shared that she is seeing growth in the student’s reading, speech intelligibility, and desire to complete homework, and the student’s tutor assists with homework and reads to the student in [REDACTED]. The student’s father requested an update on the student’s progress with phonetics in [REDACTED] “and being taken out of class weekly for instruction in English.” The parents expressed that they were pleased with the student’s team of teachers.

Teacher input reflects that the student is seen four times weekly for English instruction and four times weekly for [REDACTED] phonics instruction. The teacher reported that the student is being provided “a read for classwork” to assist the student, and the student often responds to questions in “fragmented statements.” It was reported that the student receives supplementary aids of repeated directions, word banks, follow-up questions and clarification of information. It was also reported that the student struggles to use vocabulary “expressively” and to answer “wh” questions when referencing a text but can answer “wh” questions “socially and about other subject matter.” It was also reported that the student is seen in a small group four times a week for support in [REDACTED]. The student is seen “outside the classroom using Orton Gillingham methodology using [REDACTED] phonemes.” The student “seems to struggle with application of skills she is learning within the intervention group.” The teacher shared her concern that the student “doesn’t presently receive

testing accommodations.” The PWN reflects the student has been part of [REDACTED] program since kindergarten and has been receiving speech-language services since she was 18 months of age. It was reported that the student still requires speech-language services. It was reported that in the reading intervention in English, the speech language pathologist (SLP) was asked to join the reading group to assist the student with articulation. It was reported that the student’s [REDACTED] vocabulary is not improving and “she seems to struggle transitioning thoughts from English to [REDACTED].”

The IEP team agreed to add the following testing accommodations to the student’s IEP:

- Graphic organizer;
- Highlighting tools;
- Read-to for math/science;
- Read to for ELA;
- Monitor test response;
- Small group; and
- Extended Time (1.5x).

The IEP team agreed to meet again for the student’s annual review in March 2024, and considered different ways to accommodate the student in the classroom. It was reported that the student would continue to receive small group instruction in reading and writing, and “a trial of speech to text will be completed with [the student] to see if [the] support aids [the student’s] access to the general education curriculum.”

The PWN does not reflect that the IEP team discussed that the student was not making sufficient progress to meet her reading fluency and written language content.

4. The amended IEP developed at the February 1, 2024, IEP meeting reflects the projected annual review date of March 27, 2024. The student’s native language is listed as “English.” The IEP requires the following supplementary aids, services, program modifications, and supports:
 - Monitor independent work, daily;
 - Paraphrase question and instructions, daily;
 - Allow use of manipulatives, as needed;
 - Have student repeat and/or paraphrase information, as needed;
 - Repetition of directions, daily;
 - Use of word bank to reinforce vocabulary and/or when extended writing is required, as needed;
 - Provide assistance w/organization, as needed;
 - Delete extraneous information on assignments and assessments when possible, daily;
 - Pictures to support reading passages whenever possible, daily; and
 - Preferential seating, daily.

The IEP continued the special education services. The IEP does not require the provision of specialized instruction or supports in a specific language.

5. On May 3, 2024, at 1:20 pm, MCPS staff emailed the student’s father at his Gmail account responding to his email asking if the student’s upcoming IEP meeting would be virtual or in person. The email provides the day, date, and time for a virtual meeting, but does not provide the link to the meeting.

6. There is documentation that on May 3, 2024, at 1:28 pm, the system@iep.online-iep.com emailed a "Notification of Annual Review IEP Team Meeting" for the student scheduled for May 21, 2024. The emailed notice does not include the parent's name or email address and does not appear to have been sent to the parent.
7. There is no documentation that the student's father received an invitation to the May 21, 2024, IEP team meeting.
8. On May 15, 2024, MCPS staff emailed the student's father at his Gmail account sharing a link to the "5-day Notice of IEP meeting for [his] records and review" and a link to the student's amended IEP. The email reflects that the IEP team would meet for the student's annual review "to discuss latest data quantifying how [the student] is progressing from the supplemental services being provided in the home school model." The email stated that a trial of "speech-to-text was to be completed with [the student] to see if this support aids her access to the general education curriculum" and a teacher would report out the data from the trial at the meeting. It was explained that "teacher will have reports to share all data being discussed."
9. On May 21, 2024, the IEP team reconvened to "discuss updates [on the student's] IEP implementation and academic progress." The PWN generated after the meeting reflects the team reviewed testing accommodations drafted for the student in addition to the student's current supplementary aids and supports. The team also reviewed teacher reports in reading, written language, math, oral communication, organization participation, and social/emotional. The PWN reflects "the family wanted progress updates" on the student's reading interventions in [REDACTED] and English. The school team reported that it will complete and lock the student's IEP "and wait for directives from the leadership offices in communication" because the school learned that the family has reached out to the SPED (special education department) and RACU (resolution and compliance unit) office in March 2024. It was reported that the student has been receiving the required reading interventions and the student's support schedule had been adjusted since the October 2023 IEP meeting. The student's father requested the following:
 - A copy of the directive that changed how the student's IEP was being implemented;
 - Whether the student's assessments can be repeated in [REDACTED], with an interpreter present to most accurately assess the student's needs; and
 - Whether the student's interventions in English can be conducted outside of school to prevent the student from missing additional class time.

Parental input reflects the student's father was seeing growth in the students' math abilities, and the student's mother noted progress in the student's intelligibility. It was reported that the student's IEP has been updated and will be shared with the family. It was shared that if there were any other "asks" while the team waited to receive "more correspondence from the SPED or RACU offices a planning meeting can be requested."

The PWN for this meeting is dated May 23, 2024.

10. The November 1, 2024, reporting of the student's progress toward the IEP goals reflects the student was making sufficient progress to meet the IEP goals in reading phonemic awareness, reading fluency, written language content, and speech and language articulation.

11. On November 19, 2024, the IEP team reconvened to review the student's present levels of performance and her current IEP goals. The PWN generated after the meeting reflects "the team thoroughly reviewed [the student's] performance on her current goals. The quarterly progress reports were provided to the parents at the time of the meeting, ensuring they had the most up-to-date information regarding the student's progress and areas of growth." The IEP team discussed the student's assistive technology (AT) needs and determined that the student's AT needs should be updated. The complainant requested an "AT consult report with recommendations" and it was reported that a request would be made in this regard.

The PWN reflects that the IEP team reconvened again on January 17, 2024, "to continue the reevaluation part of the meeting and went through some parts of the annual review that were unfinished in the first meeting." During the meeting, the parents requested an evaluation "for a possible attention related disorder" and the school psychologist shared that they would determine the most appropriate tool with the "Connors usually being part of their process." The IEP team agreed that the student would be assessed for executive functioning and attention-related concerns. The IEP team agreed to assess the student for anxiety-related concerns, and it was reported that behavior rating scales would be administered to assess the student's anxiety levels. The parent requested that a bilingual assessment team to assess the student in [REDACTED] and English, "citing concerns that her academic progress is measured in both languages." The IEP team shared the bilingual assessment team was not warranted "as the student is not classified as an [REDACTED] ([REDACTED]) and English is considered her dominant language. It was explained that the bilingual assessment team is typically used for student who have received exposure to a non-English language at home since birth and who required [REDACTED] services, which is not the case for this student." The parent's disagreement was noted in the PWN, as well as their concerns about the validity of the assessment results "given the potential challenges the student may face in translating between [REDACTED] and English."

The IEP team discussed the possibility of conducting the student's assessments in both [REDACTED] and English, and it was confirmed that formal assessments would be conducted in English as it is the student's dominant language. The school-based team reported that "informal measures, such as report card grades, classwork samples, and teacher observations, can be considered to supplement formal assessments."

The parents requested the use of the Phonological Awareness Screening Test (PAST) in [REDACTED], and the school team shared concerns about the validity and approval of using the translated version as MCPS does not currently recognize it as a "validated research-based tool." The parents' disagreement was noted. The parent's disagreed with the statement that the student is not a multilingual learner because "the student speaks both [REDACTED] and English at home and is educated in both languages."

The PWN reflects "the IEP team has decided to reserve feedback on the goals until the progress report and reevaluation data can be reviewed." The IEP discussed updates to the student's IEP goals and objectives. It was decided that additional assessments were needed to better understand the student's academic and developmental needs in reading; mathematics; written language; communication, specifically articulation, expressive/receptive language, and fluency; intellectual and cognitive functioning; emotional, social, and behavioral development to address concerns related to attention, executive functioning, anxiety; and observations. The family requested that the [REDACTED] team be involved in conducting the assessments in English and Frech "as [the student] is part of the [REDACTED] Immersion program."

The student's father expressed concerns with the students reading and math word problem comprehension, and “emphasized” the need for the student to receive continued support in [REDACTED] and English and the need for the student to receive a “multi-sensory, individualized approach” to help the student overcome her language and math difficulties.

It was reported that the student is currently reading at a “beginning second-grade level” and is receiving one-on-one support from the teacher and a [REDACTED] intern; that the student also requires additional support with solving and comprehending word problems; and writing is an area for growth.

12. The IEP developed at the November 19, 2024, and January 17, 2025, IEP meeting reflects the projected annual review date as November 16, 2026. The IEP requires the following testing accommodations to the student’s IEP:

- Highlight tool;
- Graphic organizer;
- Text-to-Speech for the Mathematics, Science and Social Studies Assessments
- Small group;
- Text-to-speech for ELA/Literacy Assessments;
- Monitor test response; and
- Extended Time (1.5x).

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

- Graphic organizer, place value chart for math, periodically;
- Multi - sensory approach, periodically;
- Monitor independent work, daily;
- Paraphrase question and instructions, daily;
- Allow use of manipulatives, as needed;
- Have student repeat and/or paraphrase information, as needed;
- Repetition of directions, daily;
- Use of word bank to reinforce vocabulary and/or when extended writing is required, as needed;
- Provide assistance w/organization, as needed;
- Chunking of text(s), periodically;
- Delete extraneous information on assignments and assessments, when possible, daily;
- Pictures to support reading passages whenever possible, daily; and
- Preferential seating, daily.

The IEP requires the following IEP goals:

- Math Calculation:
 - “By January 2026, [the student] will independently solve two-step addition and subtraction word problems, demonstrating the ability to identify key components, organize problem steps, and calculate solutions using both visual/tactile supports (e.g., equation mats) with 80% accuracy.”
 - Method of Measurement: Informal Procedures: Instructional Data
Classroom-Based Assessment: Classroom Assessments Observation Record
Standardized Assessment: MAP-M
 - Criteria (Mastery and Retention) With: 80 % Accuracy

- Math Problem Solving:
 - “By January 2026, given (4) two-step addition and subtraction word problems with solutions up to 100 read aloud, [the student] will solve the problem by using a partially completed or blank equation mat with 80% accuracy (3 out of 4) problems, for (2 out of 3) problem set.”
 - Method of Measurement: Classroom-Based Assessment: Eureka assessments Observation Record Standardized Assessment: MAP Testing Portfolio Assessment
 - Criteria (Mastery and Retention) With: 80 % Accuracy
- Speech and Language Articulation:
 - “By January 2026, [the student] will produce vowelized and consonantal /r/ in conversational speech independently with 50% accuracy over 3 sessions as measured by observation record.”
 - Method of Measurement: Informal Procedures: session data
 - Criteria (Mastery and Retention) With: Accuracy specific to objectives
- Reading Phonics:
 - “Using a multi-sensory, research-based intervention along with prompting and support, [the student] will apply her phonics knowledge to decode unfamiliar words with short vowel and common long vowel patterns, achieving 80% accuracy by January 2026.”
 - Method of Measurement: Informal Procedures: Teacher Artifacts and Instructional Data Classroom-Based Assessment: Class Assessments Observation Record
 - Criteria (Mastery and Retention) With: 80 % Accuracy
- Reading Phonics:
 - “By January 2026, using a multi-sensory, research-based intervention with prompting and support, [the student] will apply her phonics knowledge to spell unfamiliar words with short vowel and common long vowel patterns, achieving 80% accuracy in spelling tasks, as measured by weekly spelling assessments.”
 - Method of Measurement: Observation Record
 - Criteria (Mastery and Retention) With: 80 % Accuracy
- Written Language Mechanics:
 - “By January 2026, when presented with three written grade-level sentences (e.g., statements, questions, exclamations) with missing end punctuation, and given a prompt with two punctuation strategies to choose from (e.g., Color Coded, Exemplar, Word Signals Anchor Chart), [the student] will select and apply the correct punctuation strategy to add the appropriate punctuation mark at the end of each sentence, with 80% accuracy.”
 - Method of Measurement: Classroom-Based Assessment: rubrics Observation Record Portfolio Assessment
 - Criteria (Mastery and Retention) With: 80 % Accuracy
- Reading Phonemic Awareness:
 - “Given research-based intervention, [the student] will increase her ability to accurately identify and pronounce letter sounds (including short vowels, digraphs, and blends) and blend two or more graphemes to read one-syllable and simple two-syllable words with 80% accuracy, demonstrating fluency and applying these skills in context, meeting instructional-level expectations by January 2026.”
 - Method of Measurement: Classroom-Based Assessment: Teacher Performance Criteria

- Criteria (Mastery and Retention) With: 80 % Accuracy
- Written Language Expression:
 - “By January 2026, when writing a grade-level composition (e.g., narrative, or descriptive paragraph), [the student] will independently organize her ideas into clear and logical paragraphs, use appropriate transition words (e.g., "first," "next," "because," "finally"), and apply varied sentence structures to express her thoughts with 80% accuracy, as measured by writing rubrics and teacher feedback.”
 - Method of Measurement: Informal Procedures: class work Observation Record Portfolio Assessment
 - Criteria (Mastery and Retention) With: 80 % Accuracy

The IEP requires the following special education services:

- Four, 30-minute sessions of classroom instruction outside general education, weekly;
- Five, one hour and 30-minute session of classroom instruction in general education, weekly; and
- One, 20-minute session of speech-language therapy, weekly.

The IEP does not require the provision of specialized instruction or supports in a specific language.

13. There is no documentation that the student’s parents were provided with progress reports from the 2023-2024 school year.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1

REPORTING OF PROGRESS

In this case, the PWN from the November 19, 2024, IEP meeting reflects the parents were provided with progress reports that reflect “the most up-to-date information” regarding the student’s progress. However, that statement does not denote that the parents received progress reports from the 2023-2024 school year as the November 19, 2024, IEP meeting was held during the 2024-2025 school year. Furthermore, there is no additional documentation evidencing that the parents received progress reports in the 2023-2024 school year.

Based on the Findings of Fact #2, #7, and #9, MSDE finds that the MCPS did not ensure that the parent was provided with reports of the student’s progress toward achieving the annual IEP goals during the 2023-2024 school year, in accordance with 34 CFR § 300.320. Therefore, this office finds a violation concerning the allegation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

Addressing the Lack of Progress

Each public agency must ensure that the IEP Team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and revises the IEP, as appropriate, to address any lack of expected progress toward the annual goals. (34 CFR §300.324).

Based on the Findings of Fact #2 and #3, MSDE finds that 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 May 2024, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred.

ALLEGATION #2

LANGUAGE OF INSTRUCTION

34 CFR § 300.29 states: “Native language, when used with respect to an individual who is limited English proficient, means the following: (1) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child. (2) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.” 34 CFR § 300.323 states: “As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.”

In this case, the IEP lists the student’s native language as “English” and the IEP does not require that she receive services in another language. Additionally, at the November 19, 2024, IEP meeting the IEP team reported that “the student is not classified as an [REDACTED] (EML) and English is considered her dominant language.” Although the student has attended a [REDACTED] school since kindergarten, that alone does not designate her as an [REDACTED] student.

Based on the Findings of Fact #1, #4, #11, and #12, MSDE finds that the student is not classified as an “English Multilingual Learner”, therefore, MCPS was not required ensure that the student was provided with the specialized instruction and supports in a language other than English as no other language has been required by the IEP since November 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds no violation concerning the allegation.

ALLEGATION #3 ANNUAL REVIEW

Based on the Findings of Fact #1, #4, #7, and #8, MSDE finds that the MCPS did not ensure that the IEP team convened to review the student’s IEP before March 27, 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324. Therefore, this office finds a violation concerning the allegation.

ALLEGATION #4

PROVISION OF IEP DOCUMENT FIVE DAYS PRIOR TO IEP MEETING

In this case, on May 15, 2024, the parent was provided with a link to the “5-Day Notice of IEP Meeting” and the student’s amended IEP. However, the email stated that at the meeting a teacher would share data from a “speech-to-text” trial that was being conducted on the student and “teachers will have reports to share all data being discussed.” Based on this email, the parents were going to be provided with this information at the meeting and did not receive all the documents discussed in the May 15, 2024, email.

Based on the Findings of Fact #5 and #6, MSDE finds that the MCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the May 21, 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, this office finds a violation concerning the allegation.

ALLEGATION #5

PROVISION OF IEP MEETING INVITATION

In this case, the parent received an email with the day, date, time, and method of the meeting, but did not receive a proper meeting invitation.

Based on the Findings of Fact #5 to #8, MSDE finds that the MCPS did not provide the parent with sufficient notice of the May 21, 2024, IEP team meeting, in accordance with 34 CFR § 300.322 and COMAR 13A.05.01.07D. Therefore, this office finds a violation 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, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By May 10, 2025, MSDE requires the MCPS to provide documentation that the school system has:

- Convened an IEP team meeting and determined 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 May 10, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of conducting timely annual review meetings and the provision of quarterly reports of progress toward IEP goals, IEP meeting invitations, and 5-day documents to parents under the IDEA. These steps must include staff development.

¹ 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 year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one year to complete. If noncompliance is not corrected in a timely manner, MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

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

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. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

The parties maintain the right to request mediation or to file a due process complaint if they disagree with the identification, evaluation, placement, or provision of a free appropriate public education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

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

ALH/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