

January 30, 2025

[REDACTED]

Ms. Kim Waller  
Supervisor of Special Education  
Dorchester County Public Schools  
700 Glasgow Street  
Cambridge, Maryland 21613

RE: [REDACTED]  
Reference: #25-171

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 December 11, 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 Dorchester County Public Schools (DCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The DCPS has not ensured that the student was provided with the speech-language services and specialized instruction required by the Individualized Education Program (IEP) since December 2023, in accordance with 34 CFR §§ 300.101 and .323.
2. The DCPS did not ensure the proper procedures were followed when responding to a request to inspect and review the student’s educational record since December 2023, in accordance with 34 CFR § 300.613.

**BACKGROUND:**

The student is nine years old and is identified as a student with multiple disabilities (Specific Learning Disability and Speech or Language Impairment) 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 December 2023 was developed on October 26, 2023. The IEP requires the following special education and related services:
  - Two hours and 30-minutes of classroom instruction outside general education provided by the special education classroom teacher, weekly: “The IEP team discussed and agreed to add hours to [the student’s] IEP outside of the general education classroom to support her reading phonics and reading fluency goals. Outside the classroom, [the student] will participate in a multisensory phonics-based reading intervention that targets skills on her instructional reading level that may not be directly taught in the general education classroom.”
  - One hour and 30-minutes of classroom instruction inside general education provided by the special education teacher or instruction assistant, weekly: “The IEP team discussed and agreed to add 1.5 hours of classroom instruction to support her reading phonics and reading fluency goals. Service providers will collaborate in order to develop and differentiate instruction, develop strategies, discuss, and plan implementation of instruction and [the student’s] supplementary aids and services in order to achieve her reading phonics and reading fluency goals.”
  - Three, 30-minute sessions of speech-language therapy provided by the speech language pathologist (SLP), monthly: “[The student] will receive three 30-minute sessions per month, delivered outside the general education classroom, targeting goals and objectives. Speech therapist and general education teacher will collaborate in order to generalize target skills. Collaboration may include but is not limited to training for awareness of skill development, modeling of strategies for teaching and learning, and coaching on implementing strategies. Services may be provided in-person or virtually.”
2. On January 11, 2024, the complainant emailed DCPS staff expressing concerns about the way that the student’s intervention was being provided and possibly adding supplementary aids to the student’s IEP.
3. On April 11, 2024, the IEP team convened to review and revise the student’s IEP discuss Extended School Year (ESY) services. The IEP team reviewed the student’s progress toward the IEP goals, “ARC”, lexia, teacher and parent input, and observations to make its determinations. The prior written notice (PWN) generated after the meeting reflects the IEP proposed that the student was eligible for ESY services at this time because a disruption to the student’s reading phonics instruction could negatively impact the student’s reading phonics skills and confidence.
4. The April 11, 2024, amendment to the IEP reflects the IEP team decided that the student was eligible for ESY services.
5. On June 18, 2024, the complainant emailed DCPS staff requesting that the student’s “end of year [DIBELS], report card, “IRLA” update, IEP progress report and i-ready performance” be resent to her because there were “black and white and hard to see if [she] scanned them in to forward.”
6. There is documentation that on June 20, 2024, the DCPS staff emailed the complainant the information requested in the June 18, 2024, email.

7. On October 10, 2024, the IEP team reconvened to conduct the student's annual review. The PWN generated after the meeting reflects the IEP team reviewed "parent input, teacher input, goal progress, iReady [data], DIBELS, previous assessments, grades, intervention progress, [and] observations." It was reported that the student achieved her reading phonics, fluency, and articulation goals, and new goals were required. The IEP team decided that no additional assessments were needed because the team had "several curriculum-based assessments to measure [the student's] progress in reading." The IEP team agreed to reconvene in the spring to consider ESY services.
8. The IEP developed at the October 10, 2024, IEP team meeting reflects the student would continue to receive the special education classroom instruction and speech-language therapy required by the October 2023 IEP. "Special Education - Classroom Instruction: The IEP team reviewed the hours on [the student's] previous IEP and agreed that the hours are effective in achieving [the student's] goals. Therefore, the team agreed to continue to provide [the student] with 2.5 hours of specialized instruction outside the general education classroom per week. [The student] will participate in a multisensory phonics-based reading intervention that targets skills on her instructional reading level that are not directly taught in the general education classroom. [The parent] agreed to this level of service."
9. There is documentation that since December 2023, the student has missed three speech-language therapy sessions due to the absence of the Speech Language Pathologist.
10. While there is some documentation that the student has received the specialized instruction required by the IEP, it does not demonstrate that it has been consistently provided since December 2023.

## **CONCLUSIONS:**

### **ALLEGATION #1                      PROVISION OF SPECIAL EDUCATION INSTRUCTION AND RELATED SERVICES**

#### **Speech-Language Services**

Based on the Findings of Fact #1 and #8, MSDE finds that the DCPS has not ensured that the student was provided with the speech-language services required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds a violation concerning the allegation.

#### **Specialized Instruction**

Based on the Findings of Fact #1, #2, #7, #8 and #10, MSDE finds that the DCPS has not ensured that the student was consistently provided with the specialized instruction required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, this office finds a violation concerning the allegation.

### **ALLEGATION #2                      RESPONDING TO A REQUEST TO REVIEW STUDENT RECORDS**

Based on the Findings of Fact #5 and #6, MSDE finds that the DCPS did ensure the proper procedures were followed when responding to a request to inspect and review the student's educational record since December 2023, in accordance with 34 CFR § 300.613. Therefore, this office finds no 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.<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 7, 2025, MSDE requires the DCPS to provide documentation that the school system has:

- Provided the student with special education and speech-language services as required by the IEP;
- Convened an IEP team meeting and determined whether there was a negative impact to the student's progress from any lapse in services, or documentation of services. If the team determines there is a negative impact, the team must determine the amount and nature of compensatory services or other remedies to redress the violations herein and develop a plan for the provision of those services within one year of the date of this Letter of Findings.

#### **School-Based**

MSDE requires the DCPS to provide documentation by April 7, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of speech-language services and the implementation and documentation of specialized instruction under the IDEA. These steps must include staff development.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a

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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 (1) 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.

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.

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: W. David Bromwell, Jr., Superintendent, DCPS  
[REDACTED], Principal, [REDACTED], DCPS  
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