

February 14, 2025

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Hyattsville, Maryland 20785

Ms. Trinell Bowman
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John Carroll Center
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Montgomery County Public School
850 Hungerford Drive, Room 225
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RE: [REDACTED]
Reference: #25-185

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 16, 2024, and January 16, 2025, MSDE received a complaint from Ms. Jessica Williams, hereafter “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince George's County Public Schools (PGCPS) and the Montgomery County Public Schools (MCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

1. The PGCPS and the MCPS have not ensured that the student’s progress toward achieving the Individualized Education Program (IEP) goals has been measured in the manner required by the IEP since December 2023, in accordance with 34 CFR § 300.320.
2. The PGCPS and MCPS have not ensured that the student has been provided with the positive behavior interventions required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323.

3. The PGCPs and the MCPS have not ensured that the student was comprehensively assessed in all areas related to the student's disability, including the areas of behavior and occupational therapy (OT), since December 2023, in accordance with 34 CFR § 300.304.
4. The PGCPs did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the IEP meetings from December 2023 to August 2024, at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
5. The PGCPs did not develop an IEP that addresses the student's identified needs in the area of writing from December 2023 to August 2024, in accordance with 34 CFR § 300.324.
6. The PGCPs did not ensure that the IEP team reviewed and revised, as appropriate, the student's IEP to address the lack of expected progress toward achieving the IEP goals, from December 2023 to August 2024, in accordance with 34 CFR § 300.324.
7. The MCPS has not ensured that the parent was provided with accessible copies of each document the IEP team planned to discuss at the IEP meetings since August 2024, at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
8. The MCPS did not follow proper procedures when determining comparable services upon the student's transfer to the MCPS since August 2024, in accordance with 34 CFR § 300.323(f).
9. The MCPS has not developed an IEP that addresses the student's identified needs in the area of writing since August 2024, in accordance with 34 CFR § 300.324.
10. The MCPS has not ensured that the student has been provided with the special education instruction required by the IEP since August 2024, in accordance with 34 CFR §§ 300.101 and .323. Specifically, the parent alleges that there were repeated calls to pick the student up from school due to behavioral concerns, resulting in a failure to implement the required services and supports required by the student's IEP.
11. The MCPS has not ensured that the IEP team reviewed and revised, as appropriate, the student's IEP to address the lack of expected progress toward achieving the IEP goals, for school year 2024- 2025, in accordance with 34 CFR § 300.324.

BACKGROUND:

The student is six years old and is identified as a student with a Developmental Delay (DD) under the IDEA. During the 2023- 2024 school year, the student attended [REDACTED] in Prince George's County, Maryland. The student currently attends [REDACTED] in Montgomery County, Maryland, and has an IEP that requires the provision of special education instruction and related services.

Prince George's County Public School

ALLEGATIONS #1 and #6

**REPORT OF PROGRESS AND ADDRESSING THE LACK
OF EXPECTED PROGRESS**

FINDINGS OF FACT:

1. The IEP in effect in December 2023, was created on June 22, 2023, in PGCPs. It was amended on September 19, 2023. The IEP reflects identified speech-language receptive and expressive, social-emotional/behavioral, adaptive, and fine motor needs. The IEP includes goals that address these areas of concern.
2. The progress reports provided to the student reflect the following:

Fine Motor

The reports of the student's progress dated February 7, 2024, reflect the student was making "sufficient progress" to meet her fine motor IEP goal.

The reports of the student's progress dated March 22, 2024, reflect the student "achieved" her fine motor IEP goal.

Social Emotional/Behavior

The reports of the student's progress dated February 7, 2024, and March 22, 2024, reflect the student was making "sufficient progress" to meet her first social-emotional/behavioral IEP goal.

The reports of the student's progress dated February 7, 2024, and March 22, 2024, reflect the student was making "sufficient progress" to meet her second social emotional/behavioral IEP goal.

Adaptive

The reports of the student's progress dated February 7, 2024, and March 22, 2024, reflect the student was making "sufficient progress" to meet her adaptive IEP goal.

Pre- Academics

The progress report dated February 7, 2024, reflects the pre-academic goal was "not introduced," although the student was making progress in the prior reporting period.

The progress report dated March 22, 2024, reflects the student was making "sufficient progress" to meet her IEP goal.

3. **Speech-Language - Receptive and Expressive**
There is no documentation that progress was reported in the area of speech-language on February 7, 2024, and March 22, 2024, as required by the IEP.
4. There is no documentation that the parent was provided a copy of the student's the first three quarterly progress report as required by the IEP; however, there is documentation that the parent received the student's progress report for the fourth quarter on June 18, 2024.

CONCLUSIONS:

Report of Progress

Based on Findings of Fact #1 and #2, MSDE finds that the PGCPs did not ensure that the student's progress toward achieving the IEP goals has been measured in the manner required by the IEP from December 2023 to June 2024, in accordance with 34 CFR § 300.320. Therefore, MSDE does not find a violation.

Addressing The Lack of Expected Progress

Based on Finding of Fact #2, MSDE finds that the student made progress on her IEP goals, therefore, the PGCPs was not required to ensure the IEP team reviewed and revised, as appropriate, the student's IEP to address the lack of expected progress toward achieving the IEP goals, from December 2023 to June 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

Provision of Progress Report

The public agency must provide the parent of a student with a disability with a report of progress toward meeting the annual goals, as outlined in the IEP (34 CFR §§ 300.320 and .323).

Based on Finding of Fact #3, MSDE finds that PGCPs did not provide the student and parent with a report of progress in the area of speech-language as required by the IEP from February 2024 to March 2024, in accordance with 34 CFR §§ 300.320 and .323. Therefore, MSDE finds a violation.

In addition, based on Finding of Fact #4, MSDE finds that the PGCPs did not provide the parent with a report of progress as required by the IEP from November 2023 to March 2024, in accordance with 34 CFR §§ 300.320 and .323. Therefore, MSDE finds a violation.

ALLEGATION #2

PROVISION OF POSITIVE BEHAVIOR INTERVENTIONS

FINDINGS OF FACT:

5. The IEP amended on September 19, 2023, in the Present Levels of Academic Achievement and Functional Performance (PLAAFP) reflects that the student's autism disability affects how her verbal, oral, and written language is used and understood, resulting in difficulty interpreting words in context. This impacts access to reading-related instruction and tasks such as phonics and decoding fluency, understanding figurative language and multi-meaning vocabulary, making inferences (such as the author's intent or characters' motivations), and identifying themes.
6. The PLAAFP in the area of social-emotional/ behavioral reflects the student has difficulty with social-emotional (personal-social) skills. She is very active in the classroom. It can be difficult for the student to sit for class lessons and small groups. The student approaches many tasks reluctantly and will often say no, hit/kick staff, and throw chairs. These behaviors occur when she is told no, not allowed to do what she wants at the moment, or stopped from doing a preferred activity. Most of the time, the student refuses to do class assignments unless the Chromebook is involved. When she

does work, she uses the supplementary aids that are provided for her, such as a visual schedule, timers, first/then boards, and positive reinforcement such as given food or stickers for work and appropriate behavior. Teacher prompts, encouragement, and reminders to begin and complete schoolwork are effective.

7. The IEP requires the following supplementary aids, services, instructional and behavioral support daily:

Instructional Supports:

- Math Interventions
- Reading Interventions
- Use of Routines and Repetition
- Use of Objects/Pictures during Vocabulary/Concept Instruction
- Pictured Directions
- Pictured Choices
- Core Vocabulary Board
- Picture Schedule paired with Transition Cues

Social/Behavioral Supports:

- Provide frequent changes in activities or opportunities for movement
 - First-Then Board.
8. On May 30, 2024, the IEP team convened to update the annual IEP for the student. The Prior Written Notice (PWN), generated after the IEP meeting reflects the IEP team revised and added goals in the areas of reading, math, and behavior.
 9. The PWN reflects that the IEP team reviewed the student's progress and recommended new goals and objectives to align with her current present levels of performance and address her identified weaknesses. Since the student was performing below grade level in all academic areas, the IEP team determined that appropriate modifications and accommodations must be included in her IEP. After reviewing all available options, the team identified and selected the most appropriate supports, adding two additional accommodations to the student's IEP.
 10. The IEP developed on May 30, 2024, reflects the student no longer required support in the area of fine motor skills, pre-academics, and adaptive.
 11. There is no documentation that the student was provided with the positive behavior interventions as required by the IEP since December 2023.

DISCUSSION AND CONCLUSION:

The public agency is required to ensure that the student is provided with the special education and related services required by the IEP (34 CFR § 300.101).

Based on Findings of Fact #7 and #11, MSDE finds that the PGCPs did not ensure that the student was provided with the positive behavior interventions required by the IEP from December 2023 to August 2024, in accordance with 34 CFR §§ 300.101 and 300.323. Therefore, MSDE finds a violation.

ALLEGATIONS #3 AND #5

ASSESSED IN AREAS RELATED TO DISABILITY AND IEP THAT ADDRESSED IDENTIFIED WRITING NEEDS

FINDINGS OF FACT:

12. The September 19, 2023, IEP reflects the student received an assessment on May 8, 2023. The Battelle Developmental Inventory, Third Edition (BDI-3) assessment was conducted by the special education teacher. It reflected that the student's level of performance in fine motor skills was within the low average range and her perceptual motor skills were significantly below age level expectations at that time. The IEP team determined the student required an IEP goal to address these areas of concern.
13. The September 19, 2023, IEP also reflects that the BDI- 3, also assessed the student in the area of social-emotional and placed the student in the 2nd percentile, with a standard score of 68. She also received an age equivalent of 28 months in adult interaction and an age equivalent could not be obtained based on the raw score in peer interaction. The student received an age equivalent of 20 months in self-concept and social role. The IEP team determined the student required an IEP goal to address these areas of concern.
14. The student's IEP progress report dated March 22, 2024, reflects the student "achieved" her fine motor goal of "When given a pencil or something to write with, [Student] will be able to independently trace shapes and lines (i.e., circles, zig-zags, and curved lines) in order to compose text using the prewriting skills in 4 out of 5 trials."
15. On May 30, 2024, the IEP team convened to update the student's annual IEP. However, the PWN generated after the meeting does not reflect that either the IEP team or the parent expressed concerns about the student being assessed in the areas of OT or behavior. Additionally, it does not document any discussion by the IEP team regarding the student's progress or a determination that she no longer required OT support.
16. The May 30, 2024, IEP reflects that the student no longer received support in the area of OT.
17. The PWN does not reflect concern regarding the student needing support in the area of fine motor nor written expression.
18. There is no documentation indicating that the student demonstrated behaviors, beyond those outlined in her PLAFF, that were used to create her IEP goals, which would warrant an additional assessment.
19. There is no documentation indicating that the parent expressed concerns, nor did the IEP team have concerns regarding the student's writing needs from December 2023 to August 2024.

CONCLUSIONS:

Assessed in the Area of OT and Behavior

Based on Findings of Fact #12 through #19, MSDE finds that the student did not exhibit behaviors that required the PGCPs to complete additional assessments in additional areas related to the student's disability, including the areas of behavior and OT, since December 2023, in accordance with 34 CFR § 300.304. Therefore, MSDE does not find a violation.

IEP That Addresses Writing Need

In this case, the complainant alleges that the student struggled with writing. However, according to FOF #14, the student "achieved" her fine motor IEP goals and no longer received support for fine motor skills.

Based on Findings of Fact #12, #14, #16, #17, and #19, MSDE finds that the PGCPs did develop an IEP addressing writing skills prior to May 2024, but was not required to develop an IEP that addresses the student's identified needs in the area of writing from May 2024 to August 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

ALLEGATION #4

PROVISION OF FIVE-DAY DOCUMENTS

FINDING OF FACT:

20. On May 27, 2024, via email, the parent received a copy of the draft IEP that the IEP team planned to discuss at the IEP meeting scheduled for May 30, 2024.

CONCLUSION:

Based on Finding of Fact #20, MSDE finds that PGCPs did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the IEP meetings on May 30, 2024, at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

Montgomery County Public School

ALLEGATION #1

MEASURABLE IEP GOALS

FINDINGS OF FACT:

21. The IEP in effect at the start of the 2024- 2025 school year was amended on September 24, 2024. The progress reports provided to the student reflect the following:

Speech-Language

The reports of the student's progress dated November 2024 and January 2025 in the area of speech-language receptive and expressive reflect the student was making sufficient progress to meet the goal.

Social-emotional/ Behavior

The student's progress reports from November 2024 and February 2025 in the area of social-emotional/behavioral development indicate that she was not making sufficient progress toward meeting her goal. The reports note that when presented with the "first-then" strategy, she ignores it, does not follow directions, and prefers to do things her own way. Additionally, the reports state that the IEP team needs to convene to address the student's insufficient progress, and it is not measured as required by the IEP as the progress is to be reported in trials and there is no indication in how many trials the student has been successful.

Math Calculation

The reports of the student's progress dated November 2024 in the area of math calculations reflect the student was not making sufficient progress to meet the goal. The report noted the student is making little progress due to a lack of focus. She is often reluctant to engage in activities, preferring to roam around or do as she chooses. She is only able to respond when she is focused and feels ready to listen. The report also reflects that the IEP team needs to meet to address insufficient progress. The goal is not measured as required by the IEP as the progress is to be reported in percentage accuracy over a number of trials, and there is no indication of how accurate the student is or how many trials the student has been successful.

The reports of the student's progress dated February 2025 in the area of math calculations reflect the student was making sufficient progress to meet the goal, however, the goal is not measured as required by the IEP. The goal is not measured as required by the IEP as the progress is to be reported in percentage accuracy over a number of trials, and there is no indication of how accurate the student is or how many trials the student has been successful.

Reading Phonics

The reports of the student's progress dated November 2024 and February 2025 in the area of reading phonics reflect the student was making sufficient progress to meet the goal, however, the goal is not measured as required by the IEP.

Reading Comprehension

The reports of the student's progress dated November 2024 in the area of reading comprehension reflect the student was not making sufficient progress to meet the goal. The report noted the IEP team needs to meet to address insufficient progress and the goal is not measured as required by the IEP as this goal is to be measured by the student's fluently reading 8 out of 10 words over a number of trials. There is no indication of how many words the student read or how many trials took place.

The reports of the student's progress dated February 2025 in the area of reading comprehension reflects the student was making sufficient progress to meet the goal, however, the goal is not measured as required by the IEP as this goal is to be measured by the student's fluently reading 8 out of 10 words over a number of trials. There is an indication of how many words the student read, but not of how many trials took place. Consequently, it was not possible to measure the student's progress.

22. There is no documentation the parent was provided a copy of the student's quarterly progress report as required by the IEP.

CONCLUSION:

The progress reports do not sufficiently measure the IEP goal as required because they lack quantifiable data, the method of measurements used to assess each IEP goal, and a clear assessment of accuracy in the number of trials attempted per the IEP goal. To comply with the IEP, the report should include specific trial data, accuracy percentages, and documented observations aligned with the goal's criteria.

Based on Finding of Fact #21, MSDE finds that the MCPS did not ensure that the student's progress toward achieving the IEP goals has been measured in the manner required by the IEP for the 2024- 2025 school year, in accordance with 34 CFR § 300.320. Therefore, MSDE finds a violation.

ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION

Provision of Progress Report

The public agency must provide the parent of a student with a disability with a report of progress toward meeting the annual goals, as outlined in the IEP (34 CFR §§ 300.320 and .323).

Based on Finding of Fact #22 MSDE finds that the MCPS did not provide the parent with a report of progress as required by the IEP for the 2024- 2025 school year, in accordance with 34 CFR §§ 300.320. and .323. Therefore, MSDE finds a violation.

ALLEGATIONS #2 AND #8

PROVISION OF POSITIVE BEHAVIOR INTERVENTIONS AND COMPARABLE SERVICES

FINDINGS OF FACT:

23. On September 5, 2024, MCPS generated a Notice of IEP Team Meeting for a meeting scheduled on September 19, 2024, to review and, if appropriate, revise the IEP and discuss the Least Restrictive Environment (LRE).
24. On September 19, 2024, the IEP team convened to discuss comparable placement options as the student transitioned from PGCPs to MCPS. The PWN generated after the IEP meeting reflects that the IEP team reviewed parental input, teacher reports, and the previous IEP from PGCPs to determine appropriate services. The IEP team proposed reviewing each page of the IEP that needed to be amended to align with MCPS and ensure comparable services.

The IEP team proposed reviewing the present levels of performance, supplementary aids, goals and objectives, LRE, and services. The team made changes to the following sections:

- Demographics page
- Area Discussion page (parent input) – It was accepted and documented that the homeschool model cannot provide the amount of outside general education services recommended and documented by PGCPs in the student's IEP
- Goals and Objectives page

- LRE page
- Services page

The amended IEP, dated September 24, 2024, requires a total of 25 hours and 5 minutes per week of specialized instruction outside the general education classroom to support math and reading interventions. This instruction would be delivered by either a special education teacher or an IEP team member in the special education classroom. Additionally, the student would continue to receive two hours per month of speech-language services outside the general education classroom as a related service.

The IEP reflects that the IEP team discussed the continuum of services both inside and outside the general education setting and determined that the student should attend the [REDACTED]. The student was placed in a special education classroom outside of the general education setting for the majority of the school day for the remainder of the 2024–2025 school year.

The IEP requires specialized instruction, a slower pace, and a smaller class size with a lower number of students for the student to successfully access the general education curriculum.

The amended September 24, 2024, IEP further reflects that the student required the same accommodations and supports that were included on the PGCPs IEP.

25. On October 22, 2024, MCPS IEP members raised concerns via email that the student started exhibiting physically unsafe behaviors, including toward other students. An email exchange between school staff noted that the IEP team was scheduled to conduct a 45-day review for the student and recommended beginning the collection of behavioral data and behavioral strategies attempted so that an MCPS member could observe the student's behavior and classroom interactions. There is documentation of the school staff collecting behavioral data for the end of October 2024. The data reflects the “first- then board” was used with the student daily, however, she did not comply, and it led to tantrums, kicking, hitting, screaming, biting, and running around the classroom.
26. On October 30, 2024, via email, a member of MCPS followed up with members of the IEP team reminding them of positive strategies they could use with the student to intervene with her behavioral challenges.
27. On October 31, 2024, the MCPS member also inquired if anyone had spoken to the parent as they are “a month into having her with escalating behaviors.”
28. There is documentation that the student was provided with the behavior interventions required by the IEP.

CONCLUSIONS:

Positive Behavior Interventions

Based on Findings of Fact #25, #26, and #28, MSDE finds that the MCPS has ensured that the student has been provided with the positive behavior interventions required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find violation.

Comparable Services

Based on Findings of Fact #23 and #24, MSDE finds that the MCPS followed proper procedures when determining comparable services upon the student's transfer to the MCPS in August 2024, in accordance with 34 CFR § 300.323(f). Therefore, MSDE finds no violation concerning this aspect of the allegation.

ALLEGATIONS #3, #7 #9

ASSESSED IN AREAS RELATED TO DISABILITY, IEP THAT ADDRESSED IDENTIFIED WRITING NEEDS, AND 5 DAY DOCUMENTS

FINDINGS OF FACT:

29. On September 5, 2024, MCPS generated a Notice of IEP Team Meeting for a meeting scheduled on September 19, 2024, to review and revise the IEP as appropriate and to discuss the LRE.
30. On November 6, 2024, MCPS generated a Notice of IEP Team Meeting for a meeting scheduled on November 21, 2024, to review and revise the IEP as appropriate and to consider reevaluation to determine the need for additional data, services, and/or continued eligibility, however, the meeting was rescheduled to December 12, 2024, at the request of the parent.
31. On November 16, 2024, MCPS generated a Notice of IEP Team Meeting for a meeting scheduled on December 12, 2024, to review and revise the IEP as appropriate and to consider reevaluation to determine the need for additional data, services, and/or continued eligibility.
32. On December 11, 2024, via email, the parent received a parent notification, the Google Meet link, and an electronic copy of the IEP. There is no documentation the IEP team provided the parent with data they planned to discuss at the IEP meeting scheduled for December 12, 2024, IEP meeting.
33. On December 12, 2024, the IEP team convened to review and revise the IEP as appropriate and to discuss the recommendation for a Functional Behavioral Assessment (FBA). The PWN generated after the meeting reflects that this meeting was rescheduled from the 45-day progress review meeting, which was originally scheduled for November 2024. The PWN further reflects that the IEP team reviewed the student's previous Prince Georges County formal evaluations, DIBELS, informal/curriculum data, teacher input, related service provider input, and parental input to determine if the student required an FBA.

During the meeting, the IEP team discussed the student's progress and determined that an FBA was necessary due to the student's behaviors. The IEP team also requested an OT consultation with the school-based OT due to concerns regarding the student's handwriting and her frustration with it. There were no concerns raised prior to the meeting.
34. The complainant requested that the PWN reflect the parent's request for a behavioral autism consult. The MCPS Instructional Specialist explained that she is currently consulting on the case. A member of the IEP team from MCPS stated that if needed, the team may later consider an autism consult, but they are not proceeding with one now. The advocate disagreed and requested that this be noted.

35. The complainant also requested an OT evaluation. A member of the IEP team explained that an OT consultation with the school-based OT must occur first. An IEP meeting will be scheduled to discuss the student's fine motor skills and determine if an OT evaluation is warranted.
36. On December 20, 2024, the parent signed consent for the student to receive a FBA.
37. On January 15, 2025, MCPS generated a Notice of IEP Team Meeting for a meeting scheduled on January 28, 2025, to review existing information, determine the need for additional data, and review the IEP as appropriate.
38. On January 30, 2025, the IEP team convened to determine the need for additional data. The PWN reflects, based on concerns from the school team regarding the student's academic and cognitive functioning, the team decided to conduct the following formal assessments:
- Educational assessment
 - Speech-language assessment (receptive, expressive, and pragmatic)
 - OT assessment (fine motor needs and sensory processing)
 - Psychological assessment, including:
 - Functional adaptive performance
 - Intellectual and cognitive functioning
 - Emotional, social, and behavioral development
- The PWN reflects that the IEP will reconvene to review the recommended FBA and draft BIP from the IEP meeting held on December 19, 2024, prior to February 28, 2025, and to review the assessments recommended at the current meeting by April 11, 2025.
39. The PWN does not reflect that the IEP team used any data to make this determination, therefore the parent did not require five-day documentation.
40. There is documentation that the student was provided with a large pencil, a highlighter, and highlighted work as strategies to assist the student with her handwriting skills.

CONCLUSIONS:

Assessed in the Area of OT and Behavior

In this case, the complainant alleges that the IEP team did not assess the student in the areas of fine motor skills and behavior. IEP meetings were held in December and January, during which the IEP team determined that the student required additional assessments in those areas of concern.

Based on Findings of Fact #30, #31, #33 through #38, MSDE finds MCPS is currently within the evaluation process and timeframe of assessing the student in all areas related to the student's disability, including the areas of behavior and OT, since December 19, 2024, in accordance with 34 CFR § 300.304. Therefore, MSDE does not find a violation.

Provision of Five-Day Documents

Based on Findings of Fact #31 through #33, MSDE finds that the MCPS has not ensured that the parent was provided with accessible copies of each document the IEP team planned to discuss at the IEP meeting on December 12, 2024, at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

IEP That Addresses Writing Needs

In this case, the complainant alleges that the IEP team did not create an IEP that adequately addressed the student's writing needs.

In the beginning of the school year, there were no concerns regarding the student's handwriting that would warrant the IEP team to update the IEP to reflect a need for support in writing. During an IEP meeting held in January 2025, the team determined that the student required an additional assessment to determine whether she required support for her handwriting. The MCPS is still within the required timeline to complete the assessment.

Based on Findings of Fact #29, #33, #35, #38, and #40, MSDE finds that the MCPS was not required to develop an IEP that addresses the student's identified needs in the area of writing since August 2024, in accordance with 34 CFR §300.324. Therefore, MSDE does not find a violation.

ALLEGATION #10

PROVISION OF SPECIAL EDUCATION INSTRUCTION DUE TO DISCIPLINARY REMOVAL

FINDINGS OF FACT:

41. There is no documentation to support the complainant's allegation that the parent was called to pick the student up from school due to behavioral concerns.

CONCLUSION:

Based on Finding of Fact #41, MSDE finds that there is no documentation to support that the student was removed from school due to behavior concerns that constitute a disciplinary removal under the IDEA. Therefore, there is no documentation that the student was not provided with the special education instruction required by the IEP since August 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

ALLEGATION #11

ADDRESSING THE LACK OF PROGRESS

CONCLUSION:

Based on Findings of Fact #21 and #33, MSDE finds that the MCPS has ensured that the IEP team reviewed and revised, as appropriate, the student's IEP to address the lack of expected progress toward achieving the IEP goals, for the school year 2024-2025, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include those for 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, the 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 manner¹. This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action². Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Prince George's County Public School Corrective Actions

Student-Specific

MSDE requires the PGCPs to provide documentation by May 1, 2025, that the IEP team has convened and determined whether the violation related to the violations outlined in this letter had a negative impact on the student's ability to benefit from the education program. If the IEP team determines that there was a negative impact; it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

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

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

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.

School-Based

MSDE requires the PGCPs to provide documentation by May 1, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for:

- The provision of progress reports quarterly and measuring the IEP as required by the IEP;
- The Provision of positive behavior support; and
- The provision of documentation five days prior to an IEP meeting.

The documentation must include a description of how the PGCPs will evaluate the effectiveness of the steps taken and monitor to ensure that the violations do not recur.

Montgomery County Public School Corrective Action

Student-Specific

MSDE requires the MCPS to provide documentation by May 1, 2025, that the IEP team has convened and determined whether the violation related to the violations outlined in this letter had a negative impact on the student's ability to benefit from the education program. If the IEP team determines that there was a negative impact; it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

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

School-Based

MSDE requires the MCPS to provide documentation by May 1, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the provision of progress reports quarterly and measuring the IEP as required by the IEP and the provision of documentation five days prior to an IEP meeting.

The documentation must include a description of how the MCPS will evaluate the effectiveness of the steps taken and monitored to ensure that the violations do not recur.

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 for why the documentation was not made available during the investigation. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email 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

AH/sj

c: Millard House II, Chief Executive Officer, PGCPs
Keith Marston, Compliance Instructional Supervisor, PGCPs
Lois Jones-Smith, Compliance Liaison, PGCPs
Darnell Henderson, General Counsel, PGCPs
William Fields, Associate General Counsel, PGCPs
[REDACTED], [REDACTED], Principal, PGCPs
Dr. Thomas Taylor, Superintendent, MCPS
Dr. Peggy Pugh, Chief Academic Officer, MCPS
Diana K. Wyles, Associate Superintendent, MCPS
Eve Janney, Compliance Specialist, MCPS
Gerald Loiacono, Supervisor, Resolution and Compliance Unit, MCPS
[REDACTED], [REDACTED], Principal, MCPS
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Stephanie James, Complaint Investigator, MSDE