

February 20, 2025

[REDACTED]

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

RE: [REDACTED]
Reference: #25-198

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 23, 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 has not ensured that the student has been provided with the support, services, and accommodations required by the Individualized Education Program (IEP) since December 2023, in accordance with 34 CFR §§ 300.101 and .323.
2. The MCPS has not followed proper procedures when conducting a reevaluation of the student since May 2024, in accordance with 34 CFR §§ 300.303–.306. Specifically, the data was used to determine the discontinuation of occupational therapy and speech-language therapy as a related service.
3. The MCPS has not ensured that the IEP team addressed parental concerns about the documentation used and the discontinuation of Occupational Therapy (OT) as a related service since May 2024, in accordance with 34 CFR §§ 300.324 and .503.

BACKGROUND:

The student is 12 years old and is identified as a student with Other Health Impairment (OHI) under the IDEA. The student currently attends [REDACTED] and has an IEP that requires the provision of special education instruction.

FINDINGS OF FACT:

ALLEGATION #1

PROVISION OF SUPPORT, SERVICES, AND ACCOMMODATIONS

1. The IEP in effect December 2023 was developed on April 18, 2023, and amended on October 17, 2023.
2. The October 17, 2023, IEP reflects the student required the following supplementary aids, services and accommodations:

Instructional Support:

- All written responses, provided on adapted paper and large grid paper for math calculations
- Orally rehearse her ideas prior to writing them down on paper
- Verbal reminder to slow down. Language will include "use green/yellow speech" based on the visual that is on her desk.
- Limit the amount to be copied from the board
- Reminders to use a reduced rate of speech
- Use of word bank to reinforce vocabulary and/or when extended writing is required on a writing task
- Visual/graphic organizers for writing tasks
- Frequent and/or immediate feedback
- Repetition of directions
- Provide alternative ways for students to demonstrate learning
- Check for understanding
- Break down assignments into smaller units

Social/Behavioral Support:

- Motor/sensory breaks

Physical/Environmental Support:

- Visual cues for spatial organization when handwriting- When handwriting, provide a highlighted left-hand margin, lined paper, and for writing math problems, use of graph paper.

3. The May 21, 2024, IEP reflects the student required the following supplementary aids, services, and accommodations:

Instructional Support:

- Provide a proofreading checklist
- Access to lined & adaptive paper, grid paper for math oral rehearsal prior to writing
- Limit the amount to be copied from the board
- Use of word bank to reinforce vocabulary and/or when extended writing is required
- Visual/graphic organizers for writing tasks
- Frequent and/or immediate feedback
- Repetition of directions
- Provide alternative ways for students to demonstrate learning
- Check for understanding

Program Modification:

- Break down assignments into smaller units

Social/Behavioral Support:

- Strategies to initiate and sustain attention
- motor/sensory breaks

Physical/Environmental Support:

- Preferential seating

4. There is documentation that the student received the supplementary aids and services, and accommodations as required by the IEP.

CONCLUSION:

Based on Findings of Fact #1 through #4, MSDE finds that the MCPS has ensured that the student has been provided with the support, services, and accommodations required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

FINDINGS OF FACT:

ALLEGATIONS #2 and #3

PROPER PROCEDURES FOR CONDUCTING A REEVALUATION OF THE STUDENT AND ADDRESSING PARENTAL CONCERNS

5. On April 30, 2024, and May 21, 2024, the IEP team convened to conduct a reevaluation of the student and an annual review of the student's IEP. During the meeting, the IEP team considered the student's educational record, new cognitive assessment (April 2024), educational assessment (April 2024), rating scales, speech assessment, and OT assessment, MAP scores, current grades, quarterly progress reports, teacher reports and input from the parent.
6. The Prior Written Notice (PWN) generated after the meeting reflects that the IEP team proposed changing the student's primary disability classification from Other Health Impairment (OHI) due to ADHD, to Specific Learning Disability (SLD). The PWN notes that while the student has a history of ADHD, current behavior ratings show no significant concerns and the behavior-related goals were met. The student's ADHD symptoms were not observed to negatively impact her education. However, assessment data indicated a pattern of strengths and weaknesses consistent with a specific learning disability.

During the IEP meeting, the IEP team also reviewed and discussed the student's progress in OT and speech-language. The IEP team proposed discontinuing speech-language services based on the April 9, 2024, assessment, completed to determine the student's current level of performance. The MCPS speech-language pathologist noted that the student demonstrates strengths in articulation, speech rate, and intelligibility at both the conversational and narrative levels. While she occasionally stumbled over unfamiliar words, she was able to correct them upon hearing the accurate pronunciation. Teachers reported that she was 95–100% intelligible and actively participated in class. Given her performance on assessments, observations, and teacher feedback, the student's oral communication skills were considered sufficient, and the IEP team determined she no longer qualified for speech-language services.

The PWN reflects that the IEP team proposed discontinuing OT services based on a recent assessment conducted in February 2024 to determine the student's present level of performance. The MCPS occupational therapist noted that the student demonstrated strengths in handwriting, typing, and digital navigation, with only occasional lapses when rushing. The student could rewrite work neatly when prompted, manage materials effectively, and maintain functional writing and typing speeds.

The PWN further stated that, based on observations, work samples, and teacher reports, the student was actively participating in and completing assignments, supporting the decision that occupational therapy was no longer needed. Additionally, the PWN reflected that the student's fine motor skills had been remediated to functional levels. According to the PWN, she demonstrated the fine motor skills and coordination necessary to participate effectively in all grade-level activities. As a result, the IEP team determined that OT was no longer required for the student to access or participate in the curriculum.

The PWN reflects that the IEP team agreed to maintain supplementary aids and services related to writing, ensuring the student has access to keyboarding to support her best work when feeling rushed, as well as continued access to lined or adapted paper, including graph paper.

7. The complainant and advocate disagreed with the IEP team's proposal to change the student's primary disability classification from OHI due to ADHD, to SLD in math calculation and problem-solving. The PWN reflects the complainant stated that she does not accept the change, emphasizing that the student is medicated for ADHD and that her attention continues to significantly impact her.

Additionally, the complainant and advocate disagreed with the IEP team decisions regarding speech and OT services. It was noted that they believe the student continues to require both services.

8. The PWN reflects the family advocate stated that they will file for mediation and due process to secure the services they feel the student needs.
9. While there is no documentation of the complainant expressing concern regarding the documentation used to discharge the student from receiving speech-language and OT as a related services, there is documentation the complainant was provided with their procedural safeguards along with the five-day documents after the IEP meeting on June 6, 2024.
10. On July 30, 2024, the IEP team convened at the complainant's request to continue discussing the reevaluation conducted in April 2024. The complainant and advocate disagreed with changing the student's primary disability classification from OHI to SLD.

The PWN reflects that while the family's advocate requested an Independent Educational Evaluation (IEE), the complainant did not want the student retested and instead requested a meeting to revert her primary disability classification back to OHI. The complainant emphasized that the student's IEP includes attention-related support across multiple pages. The MCPS acknowledged the student's need for ADHD-related support but maintained that recent evaluations indicate her SLD is the primary factor impacting her classroom performance. After reviewing multiple data sources, the MCPS proposed keeping the SLD classification and would consult with the central office for the next steps.

11. On October 1, 2024, MCPS conducted an addendum psychological report.
12. On October 23, 2024, the IEP team convened for a reevaluation determination. The PWN reflects MCPS proposed changing the student's primary disability classification to OHI due to her ADHD (combined type), as it impacted her classroom performance. This decision was based on recent data, including psychological and educational evaluations, report card grades, MAP scores, curriculum measures, teacher reports, classroom observations, and parental input.
13. The progress report dated January 2024 and April 2024, reflects the student "achieved" her speech-language IEP goal.
14. The progress report dated January 2024 and April 2024, reflects the student "achieved" her fine motor IEP goal.

CONCLUSIONS:

Reevaluation

Based on Findings of Fact #5 through #7, and #9, MSDE finds that the MCPS has followed proper procedures when conducting a reevaluation of the student since May 2024, in accordance with 34 CFR §§ 300.303–300.306. Specifically, the data was used to determine the discontinuation of OT and speech-language therapy as a related service. Therefore, MSDE does not find a violation.

Address Parent Concern

Based on Finding of Fact #9, MSDE finds that the complainant did not raise concerns regarding the documentation used to discharge the student. Therefore, there was no need for the MCPS to address any concerns in that area. Additionally, based on Findings of Fact #6 through #9, MSDE finds that the MCPS ensured the IEP team addressed parental concerns about the discontinuation of OT and speech-language therapy as related services since May 2024, in accordance with 34 CFR §§ 300.324 and 300.503. Therefore, MSDE does not find a violation.

TIMELINES:

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. Requests for reconsideration must be sent to Tracy Givens, Section Chief, Dispute Resolution Branch, 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/sj

c: Dr. Thomas Taylor, Superintendent, MCPS
Dr. Peggy Pugh, Chief Academic Officer, MCPS
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