

February 25, 2025



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

RE: [REDACTED]  
Reference: #25-204

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 30, 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 developed an Individualized Education Program (IEP) that addresses the student’s identified behavior, fine motor, and occupational therapy (OT) needs since January 2024, in accordance with 34 CFR § 300.324.
2. The MCPS has not ensured that the IEP contains appropriate measurable goals and a statement of the student’s present levels of academic achievement and functional performance (PLAAFP) since January 2024, in accordance with 34 CFR § 300.320.
3. The MCPS has not ensured that the student was provided with the special education, related services, supplementary aids, services, and accommodations as required by the IEP since the start of the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101 and .323.
4. The MCPS has not ensured that the parent was provided with accurately measured quarterly progress reports toward achieving the annual IEP goals since January 2024, in accordance with 34 CFR § 300.320.
5. The MCPS has not ensured that the IEP team addressed the parent’s concerns regarding the student’s behavior and OT needs since January 2024, in accordance with 34 CFR § 300.324.

## **BACKGROUND:**

The student is 10 years old and is identified as a student with a specific learning disability (SLD), including dyslexia, dysgraphia, and dyscalculia under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

## **FINDINGS OF FACT:**

1. The IEP, in effect in January 2024, was developed on March 29, 2023. The IEP reflects the areas impacted by the student's disability as executive functioning, math calculation, reading comprehension, reading fluency, reading phonics, speech-language articulation, expressive language, receptive language, written language expression, behavioral-classroom participation/attention, behavioral-social interaction skills, and fine motor.

The PLAAFP reflects the following:

- Reading phonics: Teacher reports, informal assessments, MAP-R, reading intervention notes and observations, and Woodcock-Johnson IV Tests of Achievement (WJ-IV) data are reflected. "[The student] was able to answer basic questions about the text she read but was not sure about deeper level questions that ask the reader to infer details not stated.... [The student] is currently working on decoding multisyllabic words. She is using the skills of segmenting by identifying vowels and spelling patterns such as closed and open syllables, VCe syllables, double vowels and Cle syllables. [The student's] performance is inconsistent and depends greatly on her emotional state when she comes to class. [The student] is able to decode up to 4-syllable words when given the time and some reminders;"
  - Level of performance: "2nd grade, [the student] can do some 3<sup>rd</sup> grade work with support, prompting, and read-to accommodation;"
- Reading fluency: There is no information reflected here.
  - Level of performance: "end of 1<sup>st</sup>, beg. 2<sup>nd</sup> grade;"
  - The reading fluency PLAAFP does not reflect information about how this area of need impacts the student's involvement and progress in the general education curriculum;
- Reading comprehension: Teacher reports, informal assessments, MAP-RF, observations, and WJ-IV data are reflected "[The student] struggles with grade level work and requires accommodations like read-to, breaking texts down into smaller parts with discussion, extensive prompting questions, extra time to access some of the grade level assignments and readings... She struggles to draw conclusions using evidence or reasoning-instead she relies on background knowledge;"
  - Level of performance: below second-grade expectations;
- Math calculation: Teacher reports, informal assessments, MAP-RF, observations, and Brigance Inventory of Early Development III data are reflected. "[The student] struggled with number sequencing, reading two-digit numbers consistently, adding within 30 and subtracting within 20;"
  - Level of performance: below second-grade expectations;
- Written language expression: Teacher reports, informal assessments, work samples, observations, and WJ-IV data are reflected. "All areas of writing are a concern. [The student] struggles to use complete sentences and form sentences with proper syntax. Although she may be able to orally plan a sentence prior to writing, she loses the structure when putting ideas to paper. [The student] also needs help to form cohesive paragraphs in the classroom. With support, she can generally create written responses with 1-2 sentences. She is not yet able to include an opening/closing sentence and needs adult help to back up her ideas with reasoning/evidence. [The student] is more independent in the writing process when provided

supports such as sentence starters/frames, oral rehearsal prior to writing, highlighted lines, visuals for spelling patterns and word banks.”

- Level of performance: second grade;
- Speech-language articulation: While it is reflected that progress reports, speech logs and observation data were sources, the data is not reflected. “She has made progress with /r/ production in all contexts with models, cues and practice opportunities for production in words. She produces /r/ (e.g. "carrrrla") with effort to stretch out the sound/pull her tongue back;”
  - Level of performance: below age expectations;
  - The speech-language articulation PLAAFP does not reflect information about how this area of need impacts the student’s involvement and progress in the general education curriculum;
- Speech-language receptive language: Observation and speech log data are reflected. “[The student] continues to demonstrate weaknesses in receptive language, specifically in the areas of understanding figurative language concepts, (i.e., idioms, metaphors and similes), and making inferences using grade level academic vocabulary skills;”
  - Level of performance: below grade level expectancy;
- Speech-language expressive language: Observation and speech log data are reflected. “[The student] continues to struggle expressing her thoughts and ideas orally in an organized, sequential manner using grammatically/syntactically correct sentences with academic appropriate vocabulary skills;”
  - Level of performance: below age-level expectancy;
- Executive functioning: Teacher report data is reflected. “[The student] can have difficulty starting assignments that she perceives to be difficult, especially if she is 'stuck' emotionally. When [the student] is 'stuck' or perseverating on something, even tasks that she is capable of doing or require very little academic effort, she will refuse and often times not give a reason for why she's upset;”
  - Level of performance: not at expected grade norms;
- Behavioral-classroom participation/attention: While teacher reports and observation data were sources, the data is not reflected. “She needs constant reminders and verbal prompts to stay focused;”
  - Level of performance: scattered second-grade skills;
- Behavioral-social interaction skills: While the NEuroPSYchological Assessment (NEPSY-II) Social Perception subtests and the Autism Spectrum Rating Scale (ASRS) data are sources, the data is not reflected. The student “has difficulties connecting with peers, especially in unstructured settings, such as recess... [The student] experiences frustration when she is unsure of how to interact with peers or what to do in a social situation;”
  - Level of performance below same age peers; and
- Fine motor: While the Occupational Therapist observation records, student work samples, and team report data were sources, the data is not reflected. The student “needs continued improvement with legibility, sizing and spacing of handwriting, continued improvement with typing skills.”
  - Level of performance below same age peers.

The IEP requires assistive technology (AT), [the student] uses a computer for her written responses. The IEP requires the provision of supplementary aids, services, and accommodations:

- Text-to-speech for mathematics, science, government, and English language arts (ELA) assessments;
- Small group;
- Separate or alternate location;
- Frequent breaks;
- Reduced distractions to self;
- Human reader/human signer ELA;

- Notes and outlines;
- Calculation device on mathematics and non-mathematics sections;
- ELA/L response human scribe;
- Monitor test response;
- Extended time (1.5x);
- Daily:
  - Paraphrase questions and instruction;
  - Written homework assignments in the student's agenda;
  - Use of word bank to reinforce vocabulary and/or when extended writing is required;
  - Let student work for 20-minutes then provide a movement break;
  - Writing supports;
  - Use of manipulatives;
  - Checks for understanding;
  - Monitor independent work;
  - Repetition of directions;
  - Visual supports;
  - Simplified sentence structure, vocabulary, and graphics on assignments and assessments;
  - Break down assignments into smaller units;
  - Use of positive/concrete reinforcers;
  - Strategies to initiate and sustain attention;
  - Adapted seating which could include bean bags, stools, seat cushions, carpets; and
  - Preferential seating;
- Only once: HIAT [High Incidence Accessible Technology] consult at the beginning of the 2024-2025 school year;
- Periodically: Use of specific shaded line adaptive paper
- Other:
  - As needed: advance preparation for schedule changes; and
  - Bi-weekly: small group support for social-emotional well-being.

The IEP requires goals and progress towards achievement of the goals to be reported quarterly:

- Reading Comprehension: "Given supplementary aids and services and a story at her independent reading level or that is read aloud to her, [the student] will demonstrate an increased understanding of the text;"
  - Method of measurement: during small reading group;
  - Criteria (mastery and retention): with 80% accuracy;
  - January 26, 2024: Making sufficient progress to meet goal; "When a grade-level story is read out loud to her, she is able to identify the problems and solutions of the plot. Currently, we are working on being able to cite the textual evidence to support her answers;"
  - This goal is not measurable. It is unclear as to what constitutes an increased understanding of the text, what skills will be required, or how she will demonstrate understanding. The goal does not include criteria for retention or what will be used during small reading group to document progress. The conditions under which the goal will be implemented and measured are also not clearly defined.
- Math calculation: "Given supplementary aids and services, [the student] will show increased computation skills and knowledge of place value;"
  - Method of measurement: small group data;
  - Criteria (mastery and retention): with 80% accuracy;
  - January 26, 2024: Making sufficient progress to meet goal; "[The student] is able to use place value discs to represent 3-digit numbers on a place value chart;"

- The goal is unclear and unmeasurable as written. The behavior the student is required to perform is not clear, what conditions are required, what increased computation skills are, and how they will demonstrate knowledge of place value. There is also no criteria for retention.
  - Because the goal is not measurable, it is not clear whether the progress report is reporting progress on the goal.
- Written language expression: "Given supplementary aids and services, [the student] will write 3-5 sentences in response to a grade-level writing prompt;"
  - Method of measurement: observational record;
  - Criteria (mastery and retention): with 80% accuracy;
  - January 26, 2024: Making sufficient progress to meet goal; "[The student] is able to come up with an idea for written responses independently. We [are] currently building her writing with the use of supporting sentences."
  - This progress report does not align with the goal and the goal does not clearly define the conditions required for implementation or measurement. The progress report does not indicate whether the student is able to draft any sentences in response to the grade level prompt with any accuracy. Consequently, it is not possible to determine whether the student is making progress on the goal as it is written. The goal does not include criteria for retention.
- Behavioral-classroom participation/attention: "Given supplemental aids and services, [the student] will demonstrate increased task-engagement and attention to lessons in the classroom by participating in class and small table discussions and raising her hand at least 2x, daily;"
  - Method of measurement: observational record;
  - Criteria (mastery and retention): with four out of five trials;
  - January 26, 2024: Making sufficient progress to meet goal; "[The student] has overall improved in her classroom engagement. Strategies such as small group work rotations, timers, and letting her know she will answer one question before hand helps improve her attention to the lesson."
  - The goal does not provide the conditions under which the goal will be implemented and measured. It also does not provide a metric or baseline to measure the increase in attention, classroom participation, task engagement, or table discussion. It does include a measurable component of raising her hand at least twice daily. While the progress report indicates improvement, it is not clear what the information is based on or what the student's baseline was.
- Expressive language: "[The student] will use 6–7-word sentences that explain why something is happening in a picture, story or text material 4/5x based on observation by 5/09/2024;"
  - Method of measurement: observational record;
  - Criteria (mastery and retention): with four out of five trials;
  - January 26, 2024: Making sufficient progress to meet goal; "[The student] is making sufficient progress towards her goal. She is able to use "because" in her sentences to explain her reasoning. She is able to answer "why" questions accurately with some verbal reminders. When she answers why questions about short stories, she has difficulty using that information to answer the question correctly and not just coming up with the correct answer."
  - The progress report does not indicate the number of trials in which the student is successfully completing the task. Consequently, it will not be possible to determine whether the student is making progress or achieving the goal.
- Reading phonics: "Given supplemental aids and services and a reading intervention program, [the student] will apply grade-level word analysis skills to decode words at her independent reading level;"
  - Method of measurement: "RGR" [ Really Good Readers] data;
  - Criteria (mastery and retention): with 80% accuracy;

- January 26, 2024: Making sufficient progress to meet goal; “[The student] is able to recognize and pronounce the digraphs of /sh/ and /ch/ and /th/ we are working on blends to sound out more smoothly instead of singular isolated sounds.”
  - The conditions under which the goal will be implemented and measured are unclear. There is no criteria for retention. The progress report does not indicate the percentage of accuracy at which the student is able to decide the words, which will make it impossible to determine her progress or achievement of the goal.
- Behavioral-social interaction skills: “Given modeling, social skills instruction, reinforcement of positive behavior and adult facilitation, [the student] will build relationships with the peers in her grade;”
  - Method of measurement: teacher reports;
  - Criteria (mastery and retention): with four out of five trials;
  - January 26, 2024: Making sufficient progress to meet goal; “[The student] has a couple of trusted peers in her class where she engages in conversations of various topics. She is hesitant to proactively ask for help;”
  - It is unclear how building relationships with peers will be measured or what a successful trial will look like. It is also unclear how asking for help relates to this goal or what or how progress will be measured.
- Fine motor: “By 5/2024, given adapted paper and fading verbal cues, [the student] will improve her fine motor coordination in order to complete writing assignments with handwriting or typing in 3 out of 4 trials over 3 OT sessions as measured by OT observation records and student work samples.”
  - Method of measurement: OT clinical observation records, student work samples, team report;
  - Criteria (mastery and retention): with three out of four trials;
  - January 2024: No data reported.
- Reading fluency: “Given a research-based, fluency program, to increase her reading speed, [the student] will read an instructional level story with practice reads to reach a word per minute goal;”
  - Method of measurement: teacher observations;
  - Criteria (mastery and retention): with 85% accuracy;
  - January 26, 2024: Making sufficient progress to meet goal; “[The student] is able to recall important details of a story and answer comprehension questions to a read aloud. With her improvement in phonics we will soon be working with reading fluency interventions.”
  - There is no criteria for retention included in this goal. The progress report does not provide the percentage of accuracy the student is able to achieve. Without that information, it is not possible to determine whether the student has made progress, or achieved, the goal.
- Receptive language: “[The student] will use various forms of figurative language (e.g., idioms, similes, metaphors) and explain their meaning using complete sentences, 4/5x based on observation, by 05/09/2024;”
  - Method of measurement: observational record;
  - Criteria (mastery and retention): with four out of five trials;
  - January 26, 2024: Making sufficient progress to meet goal; “[The student] is demonstrating growth with her understanding of figurative language. She continues to work on the figurative meaning of phrases and stories. She often defaults to the literal meaning but with some verbal prompting and scaffolded questions she is able to identify the figurative meaning.”
  - The goal does not include criteria for retention. It is unclear whether the student will explain one or ten meanings during each trial, or one explanation is a trial. The progress

report does not include the student's success on each trial, making it impossible to determine their growth.

- Executive functioning: "Given an initial teacher check-in right after work has been assigned, paraphrasing of what she should do to start, work chunked into 10-15 min. sections, prompts to take breaks, careful observation of her emotional condition, [The student] will begin a grade level task and complete the task within the set timeline;"
  - Method of measurement: teacher reports;
  - Criteria (mastery and retention): with four out of five trials;
  - January 26, 2024: Making sufficient progress to meet goal; "[The student] overall has grown throughout the school year. She does attend to assigned tasks within a reasonable amount of time after she is directed to do so. Task avoidance behaviors do occur, but they are becoming the exception rather than the trend. When a lengthy, rigorous task is given, [the student] can lose focus or put her head down but will resume the task when directed. We are still working with [the student] to self-advocate when she needs a break or assistance."
  - The progress report does not include the student's success on the number of trials, thereby making it impossible to determine her growth.

The IEP requires:

- Four sessions of 30 minutes weekly of special education instruction outside the general education classroom for a reading intervention program from March 30, 2023, through March 29, 2024;
  - 20 hours weekly of special education instruction inside the general education classroom for her academic and task engagement goals from April 25, 2023, through April 24, 2024;
  - 30 minutes weekly of OT from May 10, 2023, through May 9, 2024;
  - Three sessions of 30 minutes monthly of speech-language services from May 10, 2023, through May 9, 2024; and
  - Transportation from August 28, 2023, through June 14, 2024.
2. On March 7, 2024, the MCPS occupational therapist emailed the complainants. The email reflects that "with regard to [the student's] fine and visual motor skills needed for the classroom, [the student] is demonstrating some pretty strong skills." On the same date the complainant responded to the MCPS OT's email, "I agree with your analysis, her motor skills are very strong from what I see of her writing which is greatly improved from last year."
  3. On March 11, 2024, the IEP team convened to conduct an annual review. The prior written notice (PWN) generated following the meeting reflects that the student was dismissed from OT services due to mastery and reaching grade level expectations. The PWN does not reflect the data used for the basis to dismiss the OT services.
  4. The student's IEP developed on March 11, 2024, reflects the areas impacted by the student's disability as executive functioning, math calculation, reading comprehension, reading fluency, reading phonics, expressive language, receptive language, written language expression, behavioral-social interaction skills, and fine motor.

The present levels of academic achievement and functional performance (PLAAFP) reflects the following:

- Reading phonics: DIBELS 8<sup>th</sup> edition data from March 2024, and the Beginning and Advanced Decoding Survey data from February 2024, are reflected;
  - Level of performance: 3<sup>rd</sup> grade;
  - The reading phonics PLAAFP does not reflect information about how this area of need impacts the student's involvement and progress in the general education curriculum;

- Reading fluency: DIBELS 8<sup>th</sup> edition data from March 2024, is reflected;
  - Level of performance: 2<sup>nd</sup> grade;
  - The reading fluency PLAAFP does not reflect information about how this area of need impacts the student's involvement and progress in the general education curriculum;
- Reading comprehension: MAP reading data from Winter 2024 and information that the student is ready to learn is reflected;
  - Level of performance: end of 2<sup>nd</sup> grade, early 3<sup>rd</sup> grade;
  - The reading comprehension PLAAFP does not reflect information about how this area of need impacts the student's involvement and progress in the general education curriculum;
- Math calculation: MAP, i-Ready winter assessment, Eureka assessment data and information that the student is ready to learn are reflected;
  - Level of performance: end of 2<sup>nd</sup> grade, beginning of 3<sup>rd</sup>;
  - The math calculation PLAAFP does not reflect information about how this area of need impacts the student's involvement and progress in the general education curriculum;
- Written language expression: While teacher report, informal assessments, work samples, and observation data are sources, the data is not reflected. "[The student] can compile ideas for writing, both creatively and in response to an assignment. In order to compose, [the student] requires supports such as prompting, wait time, word banks, sentence frames, a model example, and chunking assignments into smaller parts. She does not desire to write independently and needs short-term goal setting in order to complete multi-sentence assignments;"
  - Level of performance: 2<sup>nd</sup> grade;
- Receptive language: While speech-language pathologist, classroom observation, and teacher report data are sources, the data is not reflected. "... [the student] continues to have difficulties making inferences about events or stories that are related to what she has heard or seen in a picture. She will often make an inference that is related to the topic and makes sense in the context, but does not answer the question based on the information that she was given;"
  - Level of performance: mildly below age expectations;
- Expressive language: While speech-language pathologist, classroom observation, and teacher report data are sources, the data is not reflected. "... [the student] continues to demonstrate needs in answering inferential questions related to the topic of the question and in a way that makes sense. She also continues to need support in describing events in a story or during the day using a manner that can be understood by peers and adults;"
  - Level of performance: mildly below age expectations;
- Executive functioning: Teacher report data is reflected. "[The student] requires prompting to begin assignments. She does respond to positive reinforcement and token systems and will initiate some tasks when she sees peers receive a token for completing a task. When she gets upset, she has difficulty explaining what has triggered her emotional response;"
  - Level of performance: below grade expectations;
- Behavioral-social interaction skills: While the NEPSY-II Social Perception subtests and ASRS are sources, the data is not reflected. "... When she feels a classmate has violated her boundaries, she has difficulty expressing her discomfort and enforcing healthy boundaries. She also does not bring her discomfort to the attention of supervising adults;"
  - Level of performance: below age expectations; and
- Fine motor: While observation, classroom and clinical work samples are sources, the data is not reflected. The student needs "continued improvement with legibility, sizing and spacing handwriting" and "typing skills;"
  - Level of performance: within functional skill level.

The IEP requires AT, [the student] uses a computer for her written responses.



The IEP continued the supplementary aids, services, and accommodations as the March 29, 2023, IEP.

The IEP requires goals and progress towards achievement of the goals to be reported quarterly:

- Reading Comprehension: “Given supplementary aids and services, a read aloud of an instructional level text, and previewing questions, [the student] will answer comprehension questions about the text with 80% accuracy;”
  - Method of measurement: during small group reading;
  - Criteria (mastery and retention): with 80% accuracy;
  - April 9, 2024: Newly introduced; progress not measurable yet;
- Reading phonics: “Given supplemental aids and services and a reading intervention program, [the student] will apply grade-level word analysis skills to decode words at her instructional level;”
  - Method of measurement: RGR [Really Great Reading] data;
  - Criteria (mastery and retention): with 80% accuracy;
  - April 9, 2024: Newly introduced; progress not measurable yet;
- Reading fluency: “Given a research-based, fluency program, to increase her reading speed, [the student] will read an instructional level story with practice reads to reach 75 words per minute goal;”
  - Method of measurement: teacher observations;
  - Criteria (mastery and retention): with 85% accuracy;
  - April 9, 2024: Newly introduced; progress not measurable yet;
- Written language expression: “Given supplementary aids and services, graphic organizers to brainstorm, word banks, and sentence frames, [the student] will write a full paragraph that contains at least two details about a single topic;”
  - Method of measurement: observation record;
  - Criteria (mastery and retention): with 80% accuracy;
  - April 9, 2024: Newly introduced; progress not measurable yet;
- Expressive language: “[The student] will use sentences to answer inferential questions, to describe a sequence of events, and to describe various forms of figurative language, given a visual and verbal prompt with 80% accuracy by March 11th, 2025;”
  - Method of measurement: observation record;
  - Criteria (mastery and retention): with four out of five trials;
  - April 9, 2024: Newly introduced; progress not measurable yet;
- Math calculation: “When given visual models, teacher demonstrations, and fading prompts, [the student] will perform operations using fractions and decimals;”
  - Method of measurement: small group data;
  - Criteria (mastery and retention): with 80% accuracy;
  - April 9, 2024: Newly introduced; progress not measurable yet;
- Executive functioning: “Given an initial teacher check-in right after work has been assigned, paraphrasing of what she should do to start, work chunked into 10-15 min. sections, prompts to take breaks, careful observation of her emotional condition, [the student] will begin a grade level task and complete the task within the set timeline;”
  - Method of measurement: teacher reports;
  - Criteria (mastery and retention): with four out of five trials;
  - April 9, 2024: Newly introduced; progress not measurable yet; and
- Behavioral-social interaction skills: “Given modeling, social skills instruction, reinforcement of positive behavior and adult facilitation, [the student] will maintain healthy peer boundaries and advocate for herself and make an adult aware when she feels her boundaries have been violated;”
  - Method of measurement: teacher reports;
  - Criteria (mastery and retention): with four out of five trials;

- April 9, 2024: Newly introduced; progress not measurable yet.

The IEP requires:

- Five sessions of thirty minutes of special education instruction outside the general education classroom for reading, writing, and mathematics from March 12, 2024, through March 11, 2025;
  - Three sessions of 30 minutes monthly of speech-language services from March 12, 2024, through March 11, 2025;
  - Transportation from March 12, 2024, through March 11, 2025;
  - 56 hours weekly of special education instruction outside the general education classroom from July 8, 2024, through August 2, 2024; and
  - Transportation from July 8, 2024, through August 2, 2024.
5. The student's IEP developed on March 11, 2024, and amended on April 26, 2024, reflects the areas impacted by the student's disability as executive functioning, math calculation, reading comprehension, reading fluency, reading phonics, expressive language, receptive language, written language expression, behavioral-social interaction skills, and fine motor.

The IEP service hours were amended to add five sessions of two hours and 55 minutes of special education instruction in the general education classroom for lunch, recess, specials, and science/social studies from March 12, 2024, through March 11, 2025.

The IEP quarterly progress towards achievement of the goals is reported as follows:

- Reading comprehension:
  - June 13, 2024: Making sufficient progress to meet goal; "When combined with repeated readings, [the student] is able to answer comprehension questions about a text and know the sequence of events in a text;"
  - August 1, 2024: Making sufficient progress to meet goal; "[The student] was able to read a text and answer comprehension questions with accuracy ranging from 87 to 90% accuracy. She was only in the program for five days, however there were three reading assessments in each one she scored pretty high. When she forgot information [the student] would go back to the given text and reread with some assistance to find the information she needed then go back to the question to answer it correctly;" and
  - November 1, 2024: Making sufficient progress meet goal; "[The student] continues to make progress with her reading comprehension. She continues to benefit from cues, prompts and choices. [The student] continues to work on answering wh- questions with fading prompts. She needs more support with answering why and how questions. [The student] needs reminders to go back into the text to look for information to help her answer wh- and sequence questions."
  - The only progress report that provided data as required by the goal was the August 2024 report. While the other reports indicate the student is making sufficient progress, there is no accuracy data as required by the goal to support that contention.
- Reading phonics:
  - June 13, 2024: Making sufficient progress to meet goal; "With modelling and practice, [the student] can color code and finger stretch phonemes and clap out syllables. When repeating the sounds, [the student] can accurately attach the correct letter tiles to the phonemes and syllables;
  - August 1, 2024: Making sufficient progress to meet goal; "[The student] was only able to attend one week of the ESY [Extended School Year] program, however when she was in class she was always reading out loud third grade level texts, with no more than 3 corrections at a time. There was not enough time to do a more detailed reading measurement; and

- November 1, 2024: Making sufficient progress to meet goal; “[The student] continues to make progress with her decoding skills. She is making progress with reading CVCe words with fading prompts. She has more difficulty with vowel teams and needs cues and reminders. [The student] is making progress with recognizing r-controlled vowels with fading prompts. She benefits from modeling, cues and prompts when reading r-controlled vowels.”
- The only progress report that provided data as required by the goal was the August 2024 report. While the other reports indicate the student is making sufficient progress, there is no accuracy data as required by the goal to support that contention.
- Reading fluency:
  - June 13, 2024: Making sufficient progress to meet goal; “[The student] still makes errors in a cold read at grade level, but instructional level texts have drastically improved;”
  - August 1, 2024: Making sufficient progress to meet goal; “[The student] only attended one week of ESY program, there was not enough time to take record for her reading fluency. However [the student] was always willing to read and was great with taking feedback with words that were not common sight words;” and
  - November 1, 2024: Making sufficient progress to meet goal; “[The student] continues to make progress with her fluency. When familiar with a text and given multiple opportunities to read, [the student’s] fluency and comprehension improves. [The student] is able to listen to a modeled reading and then read the text out loud. She continues to work on reviewing her errors and practicing a short phrase where the errors occurred. [The student] needs support with practicing the short phrase in order to make sure she practices the words correctly.”
  - The reports indicate the student is making sufficient progress, there is no accuracy data as required by the goal to support that contention.
- Written language expression:
  - June 13, 2024: Making sufficient progress to meet goal; “[The student] can generate ideas about a subject and create her own word bank. With guidance and prompting, [The student] can create sentences with sentence frames using words from her self-created word bank;” and
  - November 1, 2024: Making sufficient progress to meet goal; “[The student] continues to make progress with her writing. [The student] is able to complete a graphic organizer with support. She benefits from modeling and prompts when completing the graphic organizer. [The student] continues to work on including details in her writing. She benefits from oral rehearsal to help with elaborating. [The student] continues to make progress on checking her work for punctuation and capitalization, with fading prompts. She needs direct support with checking her work for grammar.”
  - The reports indicate the student is making sufficient progress, there is no accuracy data as required by the goal to support that contention.
- Expressive language:
  - June 13, 2024: Making sufficient progress to meet goal; “[The student] is making sufficient progress towards her goal. She continues to work on organizing her thoughts to generate sentences to sequence an event. [The student] continues to work on making inferences related to a story read to her. She is answering inferential questions in 6/10 opportunities;”
  - November 1, 2024: Making sufficient progress to meet goal; “[The student] has been showing growth in her ability to provide definitions for idiomatic expressions. After she has learned an expression, she has been able to retain the information and will explain it during the next session;” and

- January 28, 2025: Making sufficient progress to meet goal; “[The student] is improving in her ability to answer inferential questions. She is more successful answering inferential questions about pictures than answering after listening to a short passage.. Her most recent accuracy answering inferential questions after listening to a passage was 25% without cues and 63% w/1 cue and 100% w/2 cues. When looking at pictures her recent response accuracy was 87% without cues.”
- Math calculation:
  - June 13, 2024: Making sufficient progress to meet goal; “[The student] is able to use number discs and a place value chart to show values of multi-digit numbers. She can use the dot method to add and subtract with a place value chart. She is able to create diagrams that are partially shaded to represent fractions;”
  - August 1, 2024: Not yet introduced; “[The student] attended one week of ESY program, we were not able to collect enough data to accurately update this information;” and
  - November 1, 2024: Making sufficient progress to meet goal; “[The student] continues to make progress with her calculation skills. [The student] is becoming more comfortable with using a place value chart to help her with modeling numbers and performing calculations. [The student] benefits from modeling, cues and prompts when solving problems. She is able to use a place value chart to model the numbers in a problem, with fading prompts. [The student] needs reminders to check her work to make sure she represented the correct value within the place value. [The student] continues to make progress with using a place value chart to perform operations to solve problems. [The student] continues to work on accurately reading numbers out loud. She benefits from using a place value chart to help her with remembering the place value names.”
  - The reports indicate the student is making sufficient progress, there is no accuracy data as required by the goal to support that contention.
- Executive functioning:
  - June 13, 2024: Making sufficient progress to meet goal; “[The student] is able to complete classroom tasks but needs prompting and redirecting back to tasks. [The student] can feel anxious and overwhelmed and we are working with her to self-advocate for breaks before she reaches a point of shutting down;” and
  - November 1, 2024: Making sufficient progress to meet goal; “[The student] continues to make progress with her executive functioning. [The student] has made great progress with self-monitoring and asking for help. She benefits from use of a prompt card with phrases she can say to let an adult know she needs help or is frustrated. [The student] benefits from reminders and cues to use her prompt card before becoming disengaged. [The student] continues to make progress with working independently for longer periods of time, with minimal prompting to redirect back to task.”
  - The reports indicate the student is making sufficient progress, there is no trial data as required by the goal to support that contention.
- Behavioral-social interaction skills:
  - June 13, 2024: Making sufficient progress to meet goal; “[The student] has difficulty explaining her feelings to adults. When she appears to be upset or sad, she is reluctant to share her feelings with an adult. She will confide in trusted peers;”
  - August 1, 2024: Not yet introduced; “[The student] was only in ESY program for five days, [the student] did not have any conflict until five minutes before she left on Friday when she lost a game and was upset. There was not enough data to accurately fill out this goal;” and
  - November 1, 2024: Making sufficient progress to meet goal; “[The student] continues to make progress with her self-advocacy. She is making progress with sharing when she feels something is unfair and being willing to talk out the situation. She is also making

progress with clearly expressing her feelings to adults. [The student] benefits from fading prompts and check ins with trusted adults.”

- The reports indicate the student is making sufficient progress, there is no trial data as required by the goal to support that contention.

6. The September 9, 2024, a parent provided private neuropsychological report reflects the following recommendations:

- The student continues to require an IEP;
- Specialized curriculum;
- Social interaction and monitoring: adult monitored access to typically developing peers;
- Educational recommendations:
  - Curriculum;
  - Specialized instruction;
  - Therapies: speech-language and OT;
  - Repetition and breakdown;
  - Integration and synthesis;
  - Strengths and self-esteem;
  - Multisensory teaching;
  - Chunking information;
  - Understanding instructions;
  - Task mixture;
- Extracurricular activities;
- Life-skills instruction; and
- Therapies and focus on adaptive skills: speech-language therapy, OT therapy, and a focus on adaptive skills outside of the school setting are recommended.

7. On October 29, 2024, the IEP team convened to conduct a periodic IEP review. The PWN generated following the meeting reflects that the IEP team reviewed the parent provided private neuropsychological report. It is further reflected that the IEP team addressed parental concerns.

8. On January 21, 2025, the IEP team convened to review assessments. The PWN generated following the meeting reflects that the IEP team completed the Intellectual Disability form, and that the student does not meet the requirements as a student with an intellectual disability. The IEP team determined that an

autism code was most appropriate at the time. The PWN further reflects that the IEP team addressed parental concerns.

9. The student’s IEP developed on March 11, 2024, and amended on January 21, 2025, reflects the areas impacted by the student’s disability as executive functioning, math calculation, reading comprehension, reading fluency, reading phonics, expressive language, receptive language, written language expression, and behavioral-social interaction skills.

The PLAAFP reflects the same information as the March 11, 2024, IEP that was amended on April 26, 2024, except the fine motor skills PLAAFP was removed.

10. There is no documentation that the student was provided with OT services as required by the IEP from January 2024, through March 11, 2024.

11. There is documentation that the student was provided with the speech-language services as required by the IEP since January 2024.

12. While there is some documentation that the student was provided with the special education instruction, reading intervention, supplementary aids, services, and accommodations it does not demonstrate consistent provision as required by the IEP since January 2024.
13. There is no documentation to support the complainant's allegation that the IEP team failed to address the complainant's concerns regarding the student's behavior and OT needs raised at an IEP team meeting since January 2024.

## **DISCUSSIONS AND CONCLUSIONS:**

### **ALLEGATION #1**

### **DEVELOPMENT OF THE IEP**

In developing each student's IEP, the public agency must ensure that the IEP team considers the strengths of the student, the concerns of the parents for enhancing the education of the student, the results of the most recent evaluation, and the academic, developmental, and functional needs of the student. In the case of a student whose behavior impedes the student's learning or that of others, the team must consider the use of positive behavioral interventions and supports and other strategies, to address that behavior (34 CFR § 300.324).

#### **Fine Motor and OT Needs**

In this case, the IEP in effect in January 2024, reflects fine motor skills as an area impacted by the student's disability, the IEP requires a fine motor goal to be monitored by the OT, the IEP also requires OT services. There is no documentation that progress was reported towards the achievement of the OT goal for January 2024.

The March 11, 2024, IEP team dismissed the student from OT services due to mastery and reaching grade level expectations. However, there is no documentation of the basis for the decision. In addition, there is no documentation that the student was provided with the required OT services from January 2024 to March 11, 2024.

The March 11, 2024, IEP reflects fine motor skills as an area impacted by the student's disability. In addition, the PLAAFP reflects fine motor as an area that impacts the student's academic achievement and functional performance with specific skills listed. The IEP no longer reflects a fine motor goal or requires OT services. The IEP does require AT, [the student] uses a computer for her written responses.

The March 11, 2024, IEP amended on April 26, 2024, reflects fine motor skills as an area impacted by the student's disability. In addition, the PLAAFP reflects fine motor as an area that impacts the student's academic achievement and functional performance. This IEP no longer reflects a fine motor goal or requires OT services.

The October 29, 2024, IEP team reviewed the September 9, 2024, parent provided private neuropsychological report which reflects OT as an area of concern. There is no documentation that the IEP team specifically addressed the student's possible need for OT services at this IEP team meeting.

The January 21, 2025, IEP does not reflect fine motor skills or OT as areas impacted by the student's disability.

It is unclear as to if the student has fine motor and OT needs, since there is no documentation of the basis of the decision to dismiss the student from OT services on March 11, 2024.

Based on Findings of Facts #1 through #7, and #9, MSDE finds that the MCPS has not developed an IEP that addresses the student's identified fine motor and OT needs since March 11, 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE finds a violation.

### **Behavioral Needs**

Based on Findings of Facts #1, #4 through #7, and #9, MSDE finds that the MCPS has developed an IEP that addresses the student's identified behavior needs since January 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

### **ALLEGATION #2**

#### **AN IEP THAT CONTAINS APPROPRIATE MEASURABLE GOALS AND A STATEMENT OF THE PLAAFP**

The Present Levels of Academic and Functional Performance (PLAAFP) statement should include the following components: a description of the student's current academic achievement, strengths and weaknesses, functional performance details including a narrative and data when applicable, information about how their disability impacts their involvement and progress in the general education curriculum, baseline data to measure progress, and input from caregivers and service providers (34 CFR § 300.320 and MARYLAND STATEWIDE INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCESS GUIDE 2024). In this case, the IEP in effect in January 2024, and developed on March 29, 2023, PLAAFP for reading fluency and speech articulation does not reflect information about how this area of need impacts the student's involvement and progress in the general education curriculum. In addition, the March 11, 2024, IEP PLAAFP for reading phonics, reading fluency, reading comprehension, and math calculation does not reflect information about how this area of need impacts the student's involvement and progress in the general education curriculum.

The public agency must ensure that the IEP contains measurable annual goals, including academic and functional goals designed to meet the child's needs resulting from the child's disability. These goals should enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs resulting from the child's disability (34 CFR § 300.320). In this case, the IEP in effect in January 2024, and developed on March 29, 2023, IEP goals for reading comprehension, math calculation, and behavioral-social interaction skills are not measurable because they are not clearly written.

Based on Findings of Fact #1, #4, #5, and #9, MSDE finds that the MCPS has not ensured that the IEP contains appropriate measurable goals and a statement of the student's PLAAFP since January 2024, in accordance with 34 CFR § 300.320. Therefore, MSDE finds a violation.

### **ALLEGATION #3**

#### **IMPLEMENTATION OF THE IEP**

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).

#### **Special Education, Reading Intervention, Supplementary Aids, Services and Accommodations**

Based on Findings of Fact #5, #9, and #12, MSDE finds that the MCPS has not ensured that the student was consistently provided with the special education, reading intervention, supplementary aids, services, and accommodations as required by the IEP since the start of the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation.

### **Speech-Language Services**

Based on Findings of Fact #5, #9, and #11, MSDE finds that the MCPS has ensured that the student was provided with the related services, specifically speech-language services, as required by the IEP since the start of the 2024- 2025 school year, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

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

#### **Provision of OT Services**

Based on Findings of Fact #1, and #10, MSDE finds that the MCPS did not ensure that the student was provided with the related services, specifically OT services as required by the IEP from January 2024, through March 11, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation.

#### **ALLEGATION #4**

#### **PROVISION OF ACCURATELY MEASURED PROGRESS REPORTS**

The public agency must ensure the provision of written information about the student's progress toward their IEP goals and that the written information is based on the data collection method required by the IEP and they must be provided the parent of a student with the completed progress report, as outlined in the IEP (34 CFR §§ 300.101, .320, and .323).

Based on Findings of Fact #1, #4, and #5, MSDE finds the MCPS has not ensured that the parent was provided with accurately measured quarterly progress reports toward achieving the annual IEP goals since January 2024, in accordance with 34 CFR § 300.320. Therefore, MSDE finds a violation.

#### **ALLEGATION #5**

#### **ADDRESSING PARENT'S CONCERNS**

In this case, while there is documentation that the October 29, 2024, and January 21, 2025, IEP team meetings addressed parental concerns, there is no documentation that supports the specific allegation that the parent raised concerns regarding the student's behavior and OT needs to the IEP team since January 2024. Therefore, MCPS did not have an obligation to address the concerns.

Based on Findings of Fact #2, #3, #6 through #8, and #13, MSDE finds that the MCPS was not required to ensure that the IEP team addressed the parent's concerns regarding the student's behavior and OT needs since January 2024, 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 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.

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 the MSDE Special Education State Complaint Resolution Procedures.

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<sup>1</sup> 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 (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, 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.



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 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**

MSDE requires the MCPS to provide documentation, by May 2, 2025, that the IEP team has taken the following action:

- a. Implemented special education services, including the reading intervention, supplementary aids, services, and accommodations;
- b. Revised the IEP goals to be measurable;
- c. Determined the compensatory services needed to remediate the violations identified in this investigation; and
- d. Developed a plan for the implementation of the services within one year of the date of this Letter of Findings.

The MCPS must ensure that the IEP team considers the difference between the student's present and expected levels of performance when determining the services needed to remediate the violations.

The MCPS must ensure that the parent is provided with prior 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 2, 2025, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for the implementation of developing an IEP for student's needs, developing appropriate measurable goals and a statement of the PLAAFP, provision of special education services, related services, interventions, supplementary aids, services, and accommodations, and reporting accurately measured quarterly progress, under the IDEA. These steps must include staff development, as well as tools developed to document services and monitor compliance. MSDE further requires that MCPS review at least 5 IEPs quarterly from students placed in the [REDACTED] to ensure that their goals and progress reports are measurable and accurately reported, that the impact statements include all areas of impact. Monitoring reports are due on or before May 31, 2025, October 1, 2025, December 20, 2025, and March 30, 2026.

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 [Tracy.Givens@maryland.gov](mailto:Tracy.Givens@maryland.gov). Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

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

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

Sincerely,

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

ALH/sd

c: Thomas Taylor, Superintendent, MCPS  
Dr. Peggy Pugh, Chief Academic Officer, MCPS  
Diana K. Wyles, Associate Superintendent, MCPS  
Gerald Loiacono, Supervision, Resolution and Compliance Unit, MCPS  
Maritza Macias, Paralegal, MCPS  
[REDACTED], Principal, [REDACTED] School, MCPS  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE