

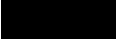


Mohammed Choudhury
State Superintendent of Schools

October 8, 2021




Mr. Philip A. Lynch
Director of Special Education Services
Montgomery County Public Schools
850 Hungerford Drive, Room 225
Rockville, Maryland 20850

RE: 
Reference: #22-011

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

ALLEGATIONS:

On August 2, 2021, the MSDE received a complaint from Ms.  hereafter, “the complainant,” on behalf of her son, 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) with respect to the above-referenced student.

The MSDE investigated the following allegations:

1. The MCPS has not ensured that the Individualized Education Program (IEP) was reasonably calculated to address the student’s identified reading needs during the 2020 - 2021 school year, in accordance with 34 CFR §§300.101, .320, and .324.
2. The MCPS did not ensure that the decisions regarding the reading intervention to be provided to the student were based on his needs, in accordance with 34 CFR §300.324.

3. The MCPS did not ensure that reports of the student's progress towards achievement of the annual IEP reading goals during the 2020 - 2021 school year were consistent with the data, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is twelve (12) years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA, related to Dyslexia, Dysgraphia, and Dyscalculia. He attended [REDACTED] for the 2020 - 2021 school year and had an IEP that requires the provision of special education instruction and related services.

The student was withdrawn from MCPS by the parent at the end of the 2020 - 2021 school year, and was parentally placed at a private school for the 2021 - 2022 school year.

FINDINGS OF FACTS:

1. The student's IEP in effect at the start of the 2020 - 2021 school year was developed on December 19, 2019 and identifies reading phonics as an area of need. The present level of performance in this area reflects that the student was performing on the "end" of first, beginning of the second grade instructional level, his word identification was "very low," he struggles to decode words with long vowel patterns and multi-syllable, and that this impacted his fluency, as well as his comprehension. The IEP also requires specialized instruction and supports to assist the student with improving his skills in this area.
2. The IEP also identifies reading comprehension as an area of need for the student. The present level of performance in this area reflects that the student was performing on a second grade instructional level and that he struggled to respond to questions requiring inferential thinking such as determining the theme, character traits, or author's point of view. The IEP also requires specialized instruction and supports to assist the student with improving his skills in this area.
3. The student's annual reading phonics goal states that "given structured phonics based sequential literacy program, repeated presentation and material with fading prompts, [the student] will know and apply grade-level phonics and word analysis skills to decode unknown words, with 93% accuracy."
4. The student's annual reading comprehension goal states that "given preview of vocabulary and background knowledge, instruction and modeling of reading strategies, organizers, modeling and material or or slightly above his independent reading level, [the student] will identify key ideas and details within the text, with 70% accuracy."

September 28, 2020 IEP Team Meeting

5. On September 28, 2020, the IEP team convened at the request of the complainant to discuss the student's transition to middle school. The team reviewed the student's educational record, parental input, teacher observations, and work samples, and decided that the student would continue to receive reading interventions to address his need in the areas of reading phonics and decoding. The team also agreed to reconvene to review reading data and to plan for the student's reevaluation under the IDEA.

October 28, 2020 IEP Team Meeting

6. On October 28, 2020, the IEP team convened to discuss the student's reading intervention data and reevaluation. The IEP team reviewed the student's previous assessments, countywide reading assessments, parental and teacher input, and reading intervention data. The IEP meeting summary reflects that the complainant requested that the student be provided with an alternative reading intervention. However, the school-based members of the IEP team reported that the student was making sufficient progress with his current intervention. Because of a disagreement, the team agreed to make a recommendation to the Central Office reading specialist for a consultation of the student to ensure the appropriate reading intervention was being implemented.
7. The progress reported on the student's reading phonics goal on November 9, 2020, reflects that the student was making sufficient progress to achieve the goal within a year. There is documentation that the school staff conducted progress monitoring with the provision of the reading intervention.
8. The progress reported on the student's reading comprehension goal on November 9, 2020, reflects that the student is making sufficient progress to achieve the goal within a year. There is documentation that the school staff conducted progress monitoring with the provision of the reading intervention.

December 17, 2020 IEP Team Meeting

9. On December 17, 2020, the IEP team convened for an annual review of the student's IEP. The team reviewed the student's educational record, psychological assessment, teacher observations and reports, student work samples, and parental input. The IEP team also reviewed the academic reading consult results, which reflect that the student demonstrated difficulty with decoding, phonemic awareness, and encoding, and that his fluency and comprehension are impacted by his decoding level. The report recommends that the student be provided with a reading intervention that uses a "multi-sensory approach to teach and address literacy when reading, writing, and spelling." Based on the review of the data, the team recommended that the student be provided with an alternative reading intervention, consistent with the data.

10. The student's IEP was revised to include a reading fluency goal to address his needs in that area. The goal states that, "given a fluency based literacy program, repeated presentation and material with fading prompts, [the student] will apply learned reading strategies and word analysis skills to fluently read third grade texts with automaticity and a high degree of accuracy, at 95%."
11. The student's December 2020 present level of performance in reading phonics reflects that he was performing on a second grade instructional level. The team determined that the reading phonics goal would remain the same for another year; however, the objectives to support the goal were revised to reflect the student's present level of performance in this area.
12. The student's December 2020 present level of performance in reading comprehension reflects that he was performing on a second grade instructional level. The team determined that there was not enough data to demonstrate mastery of the goal and decided that the goal would continue with the support of the recommended alternative reading intervention. An objective to support the goal was revised to reflect the student's present level of performance in this area.
13. The progress reported on the student's reading phonics goal on January 29, 2021 and April 16, 2021, reflects that the student was making sufficient progress to achieve the goal within a year. There is documentation that the school staff conducted progress monitoring with the provision of the reading intervention.
14. The progress reported on the student's reading comprehension goal on January 29, 2021, and April 16, 2021, reflects that the student was making sufficient progress to achieve the goal within a year. There is documentation that the school staff conducted progress monitoring with the provision of the reading intervention.

May 26, 2021 IEP Team Meeting

15. On May 26, 2021, the IEP team convened for an Extended School Year (ESY) services determination for the student. The team reviewed teacher feedback, parental input, and performance data, and determined the student eligible for ESY services. The student's May 2021 present level of performance in reading phonics reflects that he was performing on a second and one-half (2.5) grade instructional level, at a fourth grade instructional level in reading comprehension, and on a second and one-half (2.5) grade instructional level in reading fluency.
16. The progress reported on the student's reading phonics goal on June 16, 2021, reflects that he was making sufficient progress to achieve the goal within a year. There is documentation that the school staff conducted progress monitoring with the provision of the reading intervention.

17. The progress reported on the student's reading comprehension goal on June 16, 2021, reflects that he was making sufficient progress to achieve the goal within a year. There is documentation that the school staff conducted progress monitoring with the provision of the reading intervention.
18. The progress reported on the student's reading comprehension goal on June 16, 2021, reflects that he was making sufficient progress to achieve the goal within a year. There is documentation that the school staff conducted progress monitoring with the provision of the reading intervention.
19. The student's 2020 - 2021 fall and spring countywide reading assessment scores reflect that, although his benchmark scores were below grade level, his scores improved each year.

CONCLUSIONS:

Allegation #1: An IEP that Meets the Student's Identified Reading Needs

Based on the Findings of Facts #1 - #19, the MSDE finds that the MCPS ensured that the IEP addressed the student's identified reading needs during the 2020 - 2021 school year, in accordance with 34 CFR §§300.101, .320, and .324. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #2: Decisions Regarding the Student's Reading Intervention

Based on the Findings of Facts #1, #2, #5, #6, and #9, the MSDE finds that the MCPS ensured that the decisions regarding the reading intervention for the student were based on his needs, in accordance with 34 CFR §300.324. Therefore, this office does not find that a violation occurred with respect to the allegation.

Allegation #3: Progress Reports Consistent with the Data

Based on the Findings of Facts #7, #8, and #11 - #18, the MSDE finds that the reports of the student's progress towards achievement of the annual IEP reading goals during the 2020 - 2021 school year were consistent with the data, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to the allegation.

TIMELINE:

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 (15) days of the date of this correspondence. The new documentation must support a written request

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for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation.

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. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Early Intervention/Special Education Services

MEF:ac

c: Monifa B. Mcknight
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Brian Morrison
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