

March 12, 2025



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

RE: [REDACTED]
Reference: #25-220

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.

ALLEGATION:

On January 14, 2025, MSDE received a complaint from [REDACTED] and [REDACTED], hereafter, “the complainants,” 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 allegation that the MCPS has not ensured that the student was provided with the supplementary aids, services, and accommodations as required by the Individual Education Program (IEP) since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is 14 years old and is identified as a student with other health impairments (OHI) under the IDEA. He 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 since the start of the 2024-2025 school year was developed on July 25, 2024, and requires the provision of supplementary aids, services, and accommodations:
 - Assistive technology (AT) services. The student requires the use of low-, mid-, and high-tech assistive technologies, such as highlighters, word predictor software, text-to-speech software, speech-to-text software, word processors, manipulatives, calculation devices, etc. in order to access the general education curriculum

- Text-to-speech for English language arts (ELA), mathematics, science, and social studies assessments
- Human reader or human signer for mathematics, science, and social studies assessments;
- Graphic organizers
- Audio materials
- Small group
- Frequent breaks
- Reduced distraction to others
- Human scribe response
- Calculation device in mathematics and non-mathematics sections
- Monitor test response
- Extended time (2.0x)
- Home-school communication, bi-weekly

- As needed:
 - Notes and outlines
 - Rubric for all multi-paragraph writing tasks
 - Self-editing/revising checklist
 - Pre-teaching vocabulary, and re-teaching vocabulary and strategies
 - Advance preparation for schedule changes

- Daily:
 - Lines (standard line or wide) and/or adaptive paper for all written responses
 - Graph paper for math assignments
 - Speech-to-test
 - Provide individualized notes pre-filled in
 - Provide a copy of accommodations sheet at a glance
 - Provide home sets of textbooks/materials
 - Use of audiobooks: all academic settings that require reading of texts
 - Provide a multisensory approach to learning
 - Use of an enlarge cursor for computer
 - Provide visual cues
 - Provide exemplars of desired work products
 - Wait time for the formulation of oral response
 - Use of sentence starters/frames
 - Provide advance preparation for questioning
 - Oral rehearsal for written responses
 - Pair written instructions with oral instructions
 - Provide reading tracking tool
 - Use of word bank to reinforce vocabulary and/or when extended writing is required
 - Repetition of directions
 - Provide assistance with organization
 - Provide alternative ways for students to demonstrate learning;
 - Paraphrase questions and instruction
 - Monitor independent work

- o Have student repeat and/or paraphrase information;
 - o Frequent and/or immediate feedback
 - o Check for understanding
 - o Allow the use of organizational aids
 - o Use of manipulatives
 - o Allow the use of highlighters during instruction and assignments
 - o Reduce visual clutter and the number of problems on a page
 - o Reduce the amount of writing
 - o Use pictures to support reading passages, whenever possible
 - o Simplified sentence structure, vocabulary, and graphics on assignments and assessments
 - o Limit the amount of required reading
 - o Chunking of texts
 - o Break down assignments into smaller units
 - o Altered/modified assignments
 - o Strategies to initiate and sustain attention
 - o Provide structured time for organization of materials
 - o Provide frequent changes in activities or opportunities for movement
 - o Encourage student to ask for assistance when needed
 - o Preferential locker location
 - o Preferential seating
 - Weekly:
 - o Social skills training
 - o Check in with a trusted adult
2. While there is some documentation demonstrating the provision of supplementary aids, services, and accommodations as required by the IEP since the start of the 2024-2025 school year, it does not demonstrate consistent provision.

There is documentation that the student was provided with weekly social skills training and the ability to check in with a trusted adult. In addition, there is documentation that the student checked in with the school counselor on September 27, 2024, October 30, 2024, and December 4, 2024. There is documentation that the student was provided with a preferential locker location.

Some of the documentation provided does not indicate the date it was provided, making it unclear when the assignments were utilized within the timeframe under investigation. Additionally, not all of the modified assignments show the original versions for comparison, creating ambiguity about the changes made. While the student had access to audio versions of literature books, there is no documentation confirming access to audio textbooks. While there is documentation of specific lessons on organization of materials, it does not demonstrate that the student was provided structured time for the organization of materials weekly.

CONCLUSION:

Based on Finding of Facts #1 and #2, MSDE finds that the MCPS has not ensured that the student was provided with the 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 concerning this allegation.

CORRECTIVE ACTION 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.¹ 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 action.² Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

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 lack of consistent provision of supplementary aids, services, and accommodations 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 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.

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. 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.

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 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.

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], School Principal, [REDACTED], 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