

March 21, 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: # 25-231

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 January 22, 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 following allegations:

1. The MCPS did not ensure that an Individualized Education Program (IEP) team meeting convened on December 19, 2024, included the required participants, in accordance with 34 CFR § 300.321.
2. The MCPS did not ensure that the complainants were provided with accessible copies of each assessment, report, data chart, draft IEP, or other document the IEP team planned to discuss at the IEP team meeting at least five business days before the scheduled meeting, scheduled for October 7, 2024, and December 20, 2024, and held on December 19, 2025, in accordance with COMAR 13A.05.01.07.
3. The MCPS did not provide the complainants with a copy of the IEP document within five business days after the IEP team meeting on October 7, 2024, and December 19, 2024, in accordance with COMAR 13A.05.01.07.
4. 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 the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320.

5. The MCPS has not ensured that the student was provided with the special education services, specifically an elective with support, keyboarding instruction, adaptive devices, home-school communication, and the behavioral incentive chart as required by the IEP since the start of the 2024-2025 school year, in accordance with 34 CFR §§ 300.101 and .323.
6. The MCPS has not ensured that the IEP team addressed the parent's concerns regarding the student's lack of progress, need for an alternative placement, and need for an augmentative alternative communication (AAC) device since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.324.

BACKGROUND:

The student is 12 years old and is identified as a student with an intellectual disability 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 at the start of the 2024-2025 school year, was developed on May 5, 2024, and has an annual review date of May 1, 2025. The IEP reflects the areas impacted by the student's disability as reading comprehension, math calculations, written language content, speech-language receptive language, community-based instruction, social-emotional behavioral, behavioral: self-management, fine motor skills, speech-language articulation, and speech-language expressive language.

The IEP reflects that the student is being instructed using the Alternate Framework.

The PLAAFP reflects the following:

- Reading comprehension: "K-2 Map-R data", classroom data and performance are reflected. With support the student is able to look back at the visuals in the text and to use what she knows from the visuals to assist in her answers. The student is working toward answering "wh" questions, using text features to locate facts, and asking and answering questions to clarify information. The student benefits from faded adult support, limited answer choices, read aloud, picture supports, and paraphrasing.
 - Level of performance: kindergarten level
- Math calculations: ALT MCAP Math (DLM) [Alternative Maryland Comprehensive Assessment Program], High Leverage Assessment, and the Brigance Inventory of Early Development III (IED-III) data are reflected. The student can count to 12 independently, when presented with a number, up to 30, she can read the number. The student is working towards counting to 30 and stating coin values. The student benefits from faded adult support, picture supports, and manipulatives.
 - Level of performance: pre-kindergarten level

- Written language content: Observation data, teacher collected data, Brigance IED III are reflected. The student has strengths with adding details to her responses in writing when probed. The student is working towards editing her work, producing opinions with supporting reasons, and using multiple resources to research and publish writing. The student benefits from a scribe, sentence starters/frames, word banks, modeling, faded adult support, and picture support.
 - Level of performance: pre-kindergarten level
- Articulation: Observation, language sample, teacher feedback, and progress updates are reflected. The student is socially motivated. The student enjoys participating in activities and works well with peers, she volunteers in small and large group activities. The student demonstrates a strength in “over articulation” strategies given verbal and visual reminders. The student demonstrates intelligibility given unknown contexts or unfamiliar listeners. The student requires visual supports, prompts, cues, models, repetition of directions, and verbal praise.
 - Level of performance: below age expectations
- Receptive language: Teacher feedback and therapy log data are reflected. The student requires visual supports, prompts, and models to follow one or two step directions. The student is working on increasing her functional vocabulary. She is able to answer basic wh- questions related to routines or activities in her immediate environment. She does best when asked direct wh- questions paired with picture supports (ex: communication boards) and when given prompts and cues. Within her classroom setting she requires moderate staff support to answer wh- questions related to stories. The student has a relative strength in understanding functional one word vocabulary, and understanding basic who, what and where questions. She has a relative strength in following one and some simple two step related directions. The student has receptive one word vocabulary, receptive grammar, and receptive syntax that is significantly below the expectancy range. She does not yet understand how and why questions and understands when questions inconsistently. The student is a multimodal communicator and speaks in single words, phrases, and simple sentences. She requires low tech communication boards, visuals, and repeated verbal prompts for understanding stories, vocabulary, and directions.
 - Level of performance: significantly below age expectations
- Expressive Language: Observation, teacher feedback, and therapy logs are reflected. The student has strengths in the area of greeting, requesting, protesting, expressing feelings, labeling, speaking in single words and phrases. The student continues to have needs in the areas of expressive vocabulary, grammar, syntax, and mean length utterance. The student requires sentence starters, prompts, cues, and visual supports.
 - Level of performance: below age expectations
- Community-based instruction: Classroom observation and data, Brigance IED III, “CR” [Criterion Reference] Educational report data are reflected. The student may become fatigued in the classroom and self-break. The student needs to work on verbalizing her need for a break and

returning to the activity after breaking. The student knows who a nurse or a doctor is. At the school building, she can identify the building service providers, bus driver, or principal. The student is not yet able to locate things she needs in the environment. She is not yet able to locate help if she is separated from her caregiver or locate items in the store. The student is also not yet able to remain with the group or transition between activities in the school building.

- Level of performance: scattered skills below age expectancy
- Social-emotional behavioral: Classroom observation, collected data, and progress notes data are reflected. The student can initiate greetings to others by saying: "hi, how are you?". The student establishes eye contact with adults and peers and shows concern when someone is hurt. The student is able to recognize/identify all writing utensils and other classroom materials and can follow simple instructions to get them when needed. The student is not yet able to transition between activities especially from a preferred activity to a teacher directed activity. The student is also not yet able to differentiate between familiar adults and strangers and is not yet able to keep private behavior in a private setting.
 - Level of performance: scattered skills below age expectancy
- Self-management: Classroom observation data is reflected. The student can remove her pants, sit on the toilet appropriately, go to the bathroom when reminded with no more than two prompts and wash and dry her hands.
 - Level of performance: below age-expectancy
- Fine motor skills: Clinical and classroom observational data, teacher reports, staff consultations, and work sample data are reflected. "Explicit direct occupational therapy intervention does not appear to be necessary as [the student] continues to demonstrate that she has the underlying fine motor skills necessary to access her environment. [The student] simply does not always appear to understand what the environment is explicitly asking of her."
 - Level of performance: functional with environmental supports
- Functional mobility: Clinical observation, teacher reports, and therapists log data are reflected. The student can navigate the school corridors well, accessing all barriers without bumping into objects or falling. The student still has a low tone so walks a bit slower than her peers and she still sometimes sits down when she does not want to walk anymore. The student can ascend stairs well in a reciprocal pattern holding onto the rail. In the classroom, the student sits in a regular chair and with verbal prompts can sit up for the duration of a lesson. Overall, the student can safely access her educational environment. The student needs to be encouraged to continue functional mobility with adult support within the school setting.
 - Level of performance: below grade level

The IEP reflects that the student's needs in speech intelligibility, expressive and receptive language are addressed through supplementary aids, goals, and objectives of the IEP.

The IEP reflects that the student does require assistive technology (AT) and AT services. The student required “low tech communication boards as well as keyboarding opportunities to explore how those can be used to support her academic and communication needs.”

The IEP requires supplementary aids, services and accommodations:

- Daily: adapted tools/surfaces (e.g., adaptive scissors, slant boards, etc.)
- Weekly
 - Opportunities to practice keyboarding skills with adult set up/modeling
 - Home-school communication system

The IEP does not require a behavior incentive chart.

The IEP requires the provision of an elective with support.

The IEP includes the following goals:

- Reading comprehension: “By May 2025, given reading material at [the student’s] instructional level and given all documented supplementary aides, services, program modifications, accommodations and supports, and faded adult support, [the student] will answer comprehension questions with 80% accuracy in 4/5 trials with no more than 2 prompts.
 - Method of measurement: classwork, formal and informal assessments
 - Criteria (mastery and retention): Four out of five trials
- Social-emotional behavioral: “By May 2025, when given reminders of rules, modeling, positive reinforcement, explicit directions, repetition of directions, prompt hierarchy and wait time, [the student] will follow school and safety rules by transitioning between activities, keeping private behavior to private settings, and by differentiating between familiar and not familiar adults with no more than 2 prompts.
 - Method of measurement: teacher data sheets
 - Criteria (mastery and retention): four out of five trials
- Speech-language articulation: “By May 2025, [the student] will use intelligible speech during structured activities using 3 syllable words when describing what she sees in pictures with at least 75% accuracy 3 out of 4 trials.”
 - Method of measurement: informal data collection
 - Criteria (mastery and retention): three out of four trials
- Community-based instruction: “By May 2025, when given social stories, visual and verbal cues, prompt hierarchy, opportunities to practice, reminders of expectations, [the student] will demonstrate her independence in school and the community.”
 - Method of measurement: observational record
 - Criteria (mastery and retention): two out of three trials

- Speech-language expressive language: “By May 2025, [the student] will produce a 4-word grammatical sentence to ask or answer a question, describe a picture or objective in 3 of 4 trials given sentence frames and visual supports.”
 - Method of measurement: informal data collection
 - Criteria (mastery and retention): three out of four trials
 - Written language content: “By May 2025, given all documented supplementary aids, services, program modifications, accommodations and supports and provided with faded adult support, [the student] will respond to writing prompts for a range of tasks, purposes, and audiences with 80% accuracy in 4/5 trials.”
 - Method of measurement: classwork
 - Criteria (mastery and retention): four out of five trials
 - This goal is not measurable. The behavior required of the student, specifically, how the student is expected to respond to the prompt, is not identified.
 - Self-management: “By May 2025, given a bathroom schedule and faded adult support, [the student] will build positive self-care behaviors in order to demonstrate independent toileting routines in 4 out of 5 trials.”
 - Method of measurement: observational record
 - Criteria (mastery and retention): four out of five trials
 - Math calculation: “By May 2025, when given explicit instruction, multisensory techniques, teacher modeling, opportunities for practice, and fading support [the student] will demonstrate an understanding of the relationship between numbers and quantities by accurately answering “how many” questions, matching numbers to sets, or by counting out a requested number of objects in 4 out of 5 opportunities.”
 - Method of measurement: teacher made data sheets
 - Criteria (mastery and retention): four out of five trials
2. On October 7, 2024, the IEP team convened in response to the complainants’ request. The prior written notice (PWN) generated after the meeting reflects that the IEP team reviewed the IEPs present levels and addressed the complainants’ concerns.
- While there is documentation that the complainants’ concerns were addressed there is no documentation to support the specific allegation that the complainants brought concerns regarding the student’s lack of progress, placement and need for an AAC device. There is no documentation that the student’s IEP was amended.
3. On December 9, 2025, a Notice of an IEP Team Meeting notice was generated, it reflects an IEP team meeting scheduled for December 20, 2025.

On December 13, 2024, the complainants were provided with the “5-day disclosure form” and draft IEP.

On November 15, 2024, the complainants were provided with the 2024-2025 first quarter completed progress reports.

4. On December 19, 2025, the IEP team convened to discuss the lack of progress towards achieving IEP goals. The PWN generated after the meeting reflects that the parents arrived a day early for the IEP team meeting and agreed to proceed with the meeting despite the inability of the speech-language pathologist to attend. The PWN reflects that the IEP team would reconvene to discuss speech-language goals and service changes at a later date.

The PWN reflects that the IEP team reviewed the academic goal, addressed complainants' concerns regarding the wording of a behavior goal and the student's placement.

There is documentation that the written language content goal was amended.

There is no documentation that the complainants' raised concerns regarding the student's need for an AAC device.

There is no documentation of the attendees at the IEP team meeting.

On January 13, 2025, the complainant was provided the amended IEP and PWN.

5. The IEP developed on May 5, 2024, and amended on December 19, 2024, continues the areas impacted by the student's disability from the student's previous IEP, and the determination that the student is eligible to participate in the Alternate Framework.

The PLAAFP reflects the following additional information:

- Reading comprehension: Observation, data from progress notes, grades, and classroom performance are reflected. An updated description of the student's current academic achievement towards her IEP goal is reflected.
 - Level of performance: kindergarten level
- Math calculations: ALT MCAP Math (DLM), High Leverage Assessment, and the Brigance Inventory of Early Development III (IED-III) data are reflected. An updated description of the student's current academic achievement towards her IEP goal is reflected.
 - Level of performance: pre-kindergarten level
- Written language content: Observation data, teacher collected data, Brigance IED III, progress notes, and grades are reflected. An updated description of the student's current academic achievement towards her IEP goal is reflected.
 - Level of performance: pre-kindergarten level

- Articulation: observation, language sample, teacher feedback, and progress updates are reflected. An updated description of the student's current academic achievement towards her IEP goal is reflected.
 - Level of performance: below age expectations
- Receptive language: Observation, teacher feedback and therapy log data are reflected. Updated data is not reflected.
 - Level of performance: significantly below age expectations
- Expressive language: Observation, teacher feedback, and therapy log data are reflected. An updated description of the student's current academic achievement towards her IEP goal and behavior during structured articulation activities is reflected.
 - Level of performance: below age expectations
- Community-based instruction: Classroom observation and data, Brigance IED III, CR [criterion reference] Educational report data and old IEP progress notes are reflected. An updated description of the student's current academic achievement towards her IEP goal is reflected.
 - Level of performance: scattered skills below age expectancy
- Social-emotional behavioral: Classroom observation, collected data, and progress notes data are reflected. An updated description of the student's current academic achievement towards her IEP goal is reflected.
 - Level of performance: scattered skills below age expectancy
- Self-management: Classroom observation data is reflected. The student "is reminded to use to the bathroom by female support staff 3 times a day on a schedule. At the start of the school year, she was having an accident approximately 1 time per week, but that has decreased over the last 4 weeks and she has not had an accident in that time."
 - Level of performance: below age-expectancy
- Fine motor skills: Clinical and classroom observational data, teacher reports, staff consultations, and work sample data are reflected. "[The student] has demonstrated that she has the intact fine motor skills to engage with her environment... there are other factors which contribute to her performance such as impulse control, and understanding the meaning behind the task demands. [The student's] performance can largely be contributed to these factors... [the student] will often hit lots of buttons as once and impulsively hit the keys. Since in other instances [the student] can isolate her fingers this keyboarding issue appears to be due to the fact that [the student] does not understand all of the letters and their purpose and will therefore hit the keyboard based upon her understanding that is what you do with a keyboard. Since there is no purpose behind hitting individual keys she doesn't. This behavior set of performing

as she ought to do, has been seen throughout her academics as she will often "write" by producing scribbles or answer questions by circling all of the answers and reporting finished. This is not do [due] to her motor skills, but rather due to other factors that impact her performance. [The student's] performance does not appear to be due to her overt fine motor skills."

- Level of performance: functional with environmental supports
- Functional mobility: Clinical observation, teacher reports, and therapists log data are reflected. Updated data is not reflected.
 - Level of performance: below grade level

The IEP continues to reflect that the student's needs in speech intelligibility, expressive and receptive language are addressed through supplementary aids, goals, and objectives of the IEP.

The IEP continues to reflect that the student does require AT and AT services. The student requires "low tech communication boards as well as keyboarding opportunities to explore how those can be used to support her academic and communication needs."

The IEP requires supplementary aids, services and accommodations:

- Daily:
 - Behavior incentive chart
 - adapted tools/surfaces (e.g., adaptive scissors, slant boards, etc.)
- Weekly
 - Opportunities to practice keyboarding skills with adult set up/modeling
 - Home-school communication system

The IEP continues to require the provision of an elective with support.

The previous IEP goals were continued from the previous IEP. The written language content goal was updated:

- Written language content: "By May 2025, given explicit instruction, sentence frames, word banks with visuals, modeling, opportunities for practice and fading adult support [the student] will respond in writing to a prompt/question with a 1-3 words response, and will add a relevant drawing to a writing piece with 80% accuracy in 4/5 trials.
 - Method of measurement: classwork
 - Criteria (mastery and retention): four out of five trials

6. There is documentation of the provision of an elective with support and keyboarding instruction as required by the IEP since the start of the 2024-2025 school year.

While there is some documentation of the provision of home-school communication it does not demonstrate weekly provision since the start of the 2024-2025 school year.

There is documentation of the provision of adaptive devices, specifically the communication board as required by the IEP since the start of the 2024-2025 school year.

7. There is no documentation of the provision of a behavioral incentive chart as required by the IEP since December 19, 2024.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1 IEP TEAM PARTICIPANTS

In this case, while there is documentation that the parent agreed to the absence of the speech-language pathologist there is no documentation of the attendees at the IEP team meeting. Therefore, MSDE is unable to determine if the proper participants were present.

Based on Finding of Fact #4, MSDE finds that there is no documentation of the IEP team participants for the December 19, 2024, IEP team meeting. Therefore, the MCPS did not ensure that the IEP team meeting included the required participants, in accordance with 34 CFR § 300.321. Therefore, MSDE finds a violation.

ALLEGATION #2 PROVISION OF DOCUMENTS BEFORE AN IEP MEETING

October 7, 2024

In this case the IEP team convened on October 7, 2024, in response to the complainant's request. There is no documentation demonstrating that the MCPS was aware of the parent's specific concerns prior to the IEP team meeting triggering the requirement to provide discussion documents prior to the meeting.

Based on Finding of Fact #2, MSDE finds that MCPS was not aware of the complainant's specific concerns prior to the IEP team meeting to provide discussion documents. Therefore, MCPS was not required to provide the complainants with accessible copies of each assessment, report, data chart, draft IEP, or other documents the IEP team planned to discuss at the IEP team meeting at least five business days before the scheduled meeting, scheduled for October 7, 2024, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds no violation.

December 19, 2024

Based on Finding of Fact #3, MSDE finds that MCPS did ensure that the complainants were provided with accessible copies of each assessment, report, data chart, draft IEP, or other document that the IEP team planned to discuss at the IEP team meeting at least five business days before the scheduled meeting, December 20, 2024, and held on December 19, 2025, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds no violation.

ALLEGATION #3 PROVISION OF IEP DOCUMENT

In this case, the October 7, 2024, IEP team meeting did not result in an amended IEP, therefore there was no requirement for the MCPS to provide a completed copy of the IEP within five business days after the IEP

team meeting. The December 19, 2024, IEP team meeting did result in an amended IEP. On January 13, 2025, the complainant was provided the amended IEP and PWN.

October 7, 2024

Based on Finding of Fact #2 MSDE finds that the MCPS was not required to provide the complainants with a copy of the IEP document within five business days after the IEP team meeting on October 7, 2024, in accordance with COMAR 13A.05.01.07 because no IEP was generated at that meeting. Therefore, MSDE finds no violation.

December 19, 2024

Based on the Findings of Fact #4, and #5, MSDE finds that the MCPS did not provide the complainants with a copy of the IEP document within five business days after the IEP team meeting on December 19, 2024, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

Notwithstanding the violation, based upon Finding of Fact #4, MSDE finds that MCPS provided the parent with a copy of the IEP document on January 13, 2025, therefore, no further student-specific corrective action is required.

ALLEGATION #4

AN IEP THAT CONTAINS MEASURABLE GOALS AND 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 (34 CFR § 300.320), baseline data to measure progress, and input from caregivers and service providers (MARYLAND STATEWIDE INDIVIDUALIZED EDUCATION PROGRAM (IEP) PROCESS GUIDE, Early Intervention and Special Education Services, March 2024).

A public agency shall ensure that the IEP team meets periodically, but not less than annually, to review and revise the IEP (34 CFR § 300.324). In addition, 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 complainants alleged that the PLAAFP was not updated for the 2024-2025 school year. There is documentation that this IEP was amended on December 19, 2024, which included updated information to the PLAAFP.

Based on Findings of Fact #1 and #5, MSDE finds that the written language goal was not measurable as written on the student's May 5, 2024, IEP, but it was revised to be measurable on the student's amended December 2024 IEP. Therefore, MCPS has not ensured that the IEP contains appropriate measurable goals

and a statement of the student's PLAAFP since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.320. MSDE finds a violation with respect to this allegation from September through December 2024.

Notwithstanding, MCPS amended the student's IEP in December 2024 to correct this error and ensure that the student's written language goal was measurable. Therefore, no additional student specific correction is required.

ALLEGATION #5 PROVISION OF SPECIAL EDUCATION SERVICES

Elective with Support, Keyboarding Instruction, and Adaptive Devices

Based on Findings of Fact #2, #5, #6, and #7, MSDE finds that the MCPS has ensured that the student was provided with the special education services, specifically an elective with support, keyboarding instruction, and adaptive devices, specifically, the communication board, 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 no violation.

Behavior Incentive Chart

Based on the Findings of Fact #2, #5, #6, and #7, MSDE finds that the MCPS has not ensured that the student was provided with the special education services, specifically the behavioral incentive chart as required by the IEP since December 19, 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation.

ALLEGATION #6 ADDRESSING PARENT CONCERN

In this case, there is no documentation to support the allegation that the complainants brought up concerns for the student needing an AAC device to the IEP team since the start of the 2024-2025 school year.

Based on Findings of Fact #2 and #4, MSDE finds that the MCPS was not required addressed the parent's concerns regarding the student's need for an AAC device since the start of the 2024-2025 school year because the IEP team was not aware of the concern, in accordance with 34 CFR § 300.324. Therefore, MSDE finds no violation.

Based on Findings of Fact #2 and #4, MSDE finds that the MCPS has ensured that the IEP team addressed the parent's concerns regarding the student's lack of progress and need for an alternative placement since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.324. Therefore, MSDE finds no 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.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 June 2, 2025, that the IEP team has convened and determined whether the violation related to documentation of proper participants at an IEP team meeting, provision of completed IEP documents within five days of an IEP team meeting, and provision of the behavior incentive chart 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.

School-Based

MSDE requires the MCPS to provide documentation by June 1, 2025, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for documenting the proper participants at an IEP team meeting, providing completed IEP documents within five days of an IEP team meeting, and providing supplementary aids, services, and accommodations, and measurable goals, under the IDEA. These steps must include staff development, as well as tools developed to monitor compliance and document provision of services.

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.

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.

[REDACTED]
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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.

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: Dr. 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