


April 2, 2025




Mr. Chris Wittle
Director of Special Education
Carroll County Public Schools
125 North Court Street
Westminster, MD 21157

Re: 
Reference: #25-248

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 February 5, 2025, MSDE received a complaint from , hereafter, “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Carroll County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the allegation that the CCPS has not implemented an Individualized Education Program (IEP) that addressed the student’s identified needs since December 2024, in accordance with 34 CFR §§ 300.101 and .323.

BACKGROUND:

The student is 10 years old and is identified as a student with autism under the IDEA. The student attends  () and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. On December 13, 2024, the IEP team convened to consider a Neuropsychological assessment funded by CCPS as an Independent Education Evaluation (IEE). The prior written notice (PWN) generated after the meeting reflects the IEP team reviewed the “progress report on IEP goals and objectives, draft IEP, report of Neuropsychological Assessment, teacher input, [and] parent input” in making its determinations. The IEP team added the results of the neuropsychological assessment to the “academic and functional areas assessed under [the] summary of assessment findings.”

2. On December 16, 2024, the IEP team re-convened to continue the December 13, 2024 meeting. The team met to consider the Neuropsychological IEE, propose testing in social emotional behavioral functioning, consider changes to the draft IEP, consider extended school year (ESY) services, and determine the student's least restrictive environment (LRE). The prior written notice (PWN) generated after the meeting reflects the IEP team reviewed the "progress report on IEP goals and objectives, draft IEP, report of Neuropsychological assessment, teacher Input, [and] parent input" in making its determinations. The IEP team agreed with the results of the Neuropsychological Assessment and "included the report in [the student's] present levels of academic achievement and functional performance [PLAAFP]."

The IEP team agreed to assess the student in social emotional behavioral functioning "in order to document [the student's] duration, frequency of inattention and strategies utilized for initiating and sustaining attention in the classroom; time on/off task as compared to his non-disabled peers after concerns were shared by parent and general education teacher." The complainant refused to provide consent for testing due to her concerns that the assessment would not be objective if conducted by a person who was affiliated with CCPS. CCPS staff provided the complainant with "an oral and written explanation of the parent's right to request mediation and informed the complainant that Notice and Consent for Assessment form will be sent and can be returned with a written statement indicating that they do not consent to the assessment."

The IEP team accepted changes to the draft IEP in the PLAAFP, supplementary aids, goals and objectives, services, and the LRE. The complainant shared concerns regarding the appropriateness of the student's current educational placement, off task behavior, disrespectful behavior toward teachers, statements made by the local school representative, and any stigma surrounding the student being pulled out. The complainant requested clarification about writing trials, and the family advocate asked clarifying questions regarding monitoring test response and behavioral interventions.

3. The IEP developed on December 13, 2024, reflects the student's primary disability as autism with cognitive, math problem solving, reading comprehension, reading phonics, speech-language receptive language, written language expression, and self-management as areas impacted by his disability.

The PLAAFP data reflects the student as performing at the following instructional grade levels:

- Reading phonics – Fourth grade
- Reading comprehension – Fourth grade
- Math problem solving – Fourth grade
- Written language expression – Third, beginning of fourth grade
- Speech-language receptive language – Below grade expected
- Cognitive – none provided
- Self-management - "N/A"

The IEP reflects the student's communication is impacted by his disability, and "[the student] has needs in the area of receptive language."

The IEP requires implementation of the following instructional and assessment accommodations:

- Separate or Alternate Location
- Frequent Breaks
- Monitor Test Response

The IEP requires implementation of the following supplementary aids, services, program modifications and supports:

- Daily:
 - Activate prior knowledge with visual supports and discussion on newly introduced concepts
 - Repetition and spiraled review of previously mastered skills
 - Resource Notebook/Binder
 - Provide proofreading checklist
 - Reteaching
 - Frequent and/or immediate feedback
 - Check for understanding
 - Repetition of directions
 - Allow use of manipulatives
 - Check-ins during arrival and dismissal
 - Checklist for initiating routine tasks
 - Strategies to initiate and sustain attention
 - Preferential seating
- As needed:
 - Allow use of organizational aids
 - Check In with the School Counselor

The IEP includes the following IEP goals:

- Reading Comprehension: “When reading a grade level text and accessing the text as needed, [the student] will answer a variety of comprehension questions, including multiple choice and written response, using text features, text structure and citing text evidence with at least 80% accuracy on 2 out of 3 trials.”
 - Method of Measurement: Informal Procedures: Work Samples, Teacher Data
 - Criteria (Mastery and Retention) With: 2 out of 3 trials
- Reading Phonics: “Given multisensory language-based decoding instruction, [the student] will apply phonics and word analysis skills to achieve an on or above grade level score on County Based Reading Assessment in 2 out of 3 trials.”
 - Method of Measurement: Informal Procedures: Work Samples, Teacher Data
 - Criteria (Mastery and Retention) With: 2 out of 3 trials
- Math Problem Solving: “Given a mixed set (addition, subtraction, multiplication, division) of real-world grade level word problems with and without graphics, access to calculation resources, visual models, [the student] will identify the relevant operations (addition, subtraction, multiplication and division), generate an equation and solve the equation and use the inverse operation to check his work with 80% accuracy on 2 out of 3 trials.”
 - Method of Measurement: Informal Procedures: Work Samples, Teacher Data
 - Criteria (Mastery and Retention) With: 2 out of 3 trials

- Self-management: “Given a self-monitoring checklist and visual resources, [the student] will improve his revisions of assignments by identifying and reviewing errors and making revisions based on given use of appropriate tools, rubrics or other grading systems, independently on 4 out of 5 occasions.”
 - Method of Measurement: Informal Procedures: Teacher Created Data Sheets, Anecdotal Observation Record, Self-monitoring Checklist
 - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Self-management: “Given a self-monitoring checklist, visual resources and self-regulation strategies, [the student] will demonstrate on task behavior (i.e. active writing, searching for resources, etc.) for up to 20 minutes across settings on 4 out of 5 occasions.”
 - Method of Measurement: Informal Procedures: Teacher Created Data Sheets, Anecdotal Observation Record, Self-monitoring Checklist
 - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Speech and Language Receptive Language: “Given no more than one cue (verbal/phonemic/visual) per trial, [the student] will demonstrate understanding of linguistic concepts by following complex directions and providing definitions for multiple meaning words, with 80% correct in three sessions.”
 - Method of Measurement: Informal Procedures: therapy data, therapy logs, observations
 - Criteria (Mastery and Retention) With: 80% correct in three sessions.
- Written Language Expression: “Given a grade level writing task, graphic organizers appropriate to task and teacher/peer discussion, [the student] will write a variety of multi-paragraph pieces appropriate to task including an introduction paragraph, body paragraph and conclusion paragraph, legibly with 80% accuracy on 2 out of 3 trials as measured by grade level rubric.”
 - Method of Measurement: Informal Procedures: Work Samples, Teacher Data
 - Criteria (Mastery and Retention) With: 2 out of 3 trials

The IEP requires provision of the following special education and related services:

- One, 30-minute session of speech-language therapy, weekly.
- One, one-hour session of classroom instruction inside general education, weekly.
 - “[The student] will receive 1 hour per week of special education services within the general education setting to address self-management/behavior skills. These services may also be provided by special education instructional assistant under the guidance of the special education teacher.”
- One, one-hour and 30-minute session of classroom instruction inside general education weekly.
 - “[The student] will receive 1 hour 30 minutes per week of special education services within the general education setting to address reading phonics, reading comprehension, written expression. These services may also be provided by special education instructional assistant under the guidance of the special education teacher.”

- One, two-hour session of classroom instruction outside general education, weekly.
 - “[The student] will receive 2 hours per week of reading phonics, reading comprehension and written language instruction outside of the general education setting. These services may also be provided by an instructional assistant under the guidance of the special education teacher.”
- One, two-hour session of classroom instruction outside general education, weekly; and
 - “[The student] will receive 2 hours per week of math problem solving instruction outside of the general education setting. These services may also be provided by an instructional assistant under the guidance of the special education teacher.”

The LRE required by the IEP is inside general education 80% or more.

4. The January 27, 2025, reporting of the student’s progress toward the achievement of the IEP goals is as follows:

- Reading Comprehension: “Newly Introduced skill; progress not measurable at this time. Progress data for second quarter reflects the start of this IEP goal 12/12/24 through 1/24/25 and is not sufficient to determine level of progress. On the objective of [the student] will identify the text structure within the text his trial data is as follows: Trial 1: 70%. [The student] will continue to receive instruction to identify the text structure within the text.”
- Reading Phonics: “Newly Introduced skill; progress not measurable at this time. Progress data for second quarter reflects the start of this IEP goal 12/12/24 through 1/24/25 and is not sufficient to determine level of progress. On the objective of [the student] will apply phonics and word analysis skills to read a variety of grade level words with [REDACTED] and [REDACTED] Words within short phrases his trial data is as follows: Trial 1: 60%. [The student] will continue to receive instruction on [REDACTED] and [REDACTED] Words.”
- Math Problem Solving: “Progress data for second quarter reflects the start of this IEP goal 12/12/24 through 1/24/25 and is not sufficient to determine level of progress. On the objectives of Identifying relevant information, generating an equation, and utilizing the inverse operation to check his accuracy his trial data is as follows: Trial 1: 60%.”
- Self-management: “Newly Introduced skill; progress not measurable at this time. Progress data for second quarter reflects the start of this IEP goal 12/12/24 through 1/24/25 is not sufficient to determine level of progress. On the objective of [the student] will improve his revisions of assignments by identifying and reviewing errors and making revisions based on given use of appropriate tools with no more than 1 non-verbal prompt his trial data is as follows: 1 out of 2 occasions. [The student] required a verbal prompt on unsuccessful trial.”
- Self-management: “Newly Introduced skill; progress not measurable at this time. Progress data for second quarter reflects the start of this IEP goal 12/12/24 through 1/24/25 and is not sufficient to determine level of progress. On the objective of [the student] will demonstrate on task behavior for up to 20 minutes with no more than 2 verbal or visual prompts his trial data is as follows: Of two occasions he was able to maintain attention to task for 15 minutes prior to prompt being provided and required 2 verbal prompts on second occasion.”

- Speech-Language Receptive Language: "Progress data for second quarter reflects the start of this IEP goal 12/12/24 through 1/24/25 and is not sufficient to determine level of progress. -will define two meanings of given multiple meaning words/homonyms/homophones, without using the stimulus word in his meaning: 63% accuracy increased to 94% accuracy with a verbal cue, 4/4 trials, 75% accuracy (given more than one cue). -will follow complex directions containing multiple linguistic concepts (e.g., attributes, verbs, spatial, qualitative, quantitative, serial, sequence): 4/4 trials."
- Written Language Expression: "Progress data for second quarter reflects the start of this IEP goal 12/12/24 through 1/24/25 and is not sufficient to determine level of progress. On the objective of [the student] will write and information multi-paragraph piece appropriate to task including an introduction, body and conclusion legibly his trial data is as follows: 9/10."

There was no progress reported for the math calculation goal.¹

5. On February 24, 2025, the IEP team reconvened to review and revise the IEP. The PWN generated after the meeting reflects the IEP team reviewed the "IEP progress report, teacher input, local and classroom assessments, and parent Input" in making its decisions. The IEP team agreed to amend the academic and functional areas assessed, add a math calculation goal and objective, amend the student's services to include four hours per week outside of the general education classroom for "pull-out" services, and amend the supplementary aids to include "Resource Notebook/Binder to note the inclusion of individualized math anchor charts, sample math calculation and word problem examples, and step by step math process list when applicable. The team [also added] a note that a duplicate copy of resources will be made to send home so that [the student] can use consistent resources across settings." The complainant reported that the student was struggling with math calculation and agreed with the IEP team's proposals.

The complainant requested a Functional Behavior Assessment (FBA), and the IEP team agreed to assess the student in social emotional behavioral functioning. The team did not determine ESY services due to the discussion not being included in the meeting purpose on the invitation. The complainant wanted to ensure that the school-based IEP team understood that "[the student] is not making a choice to be disruptive in class or choosing to require more direction and more instruction. These are symptom of his multiple disabilities including a severe receptive language disorder, Autism, ADHD and recently discovered brain damage."

6. The amended IEP reflects math calculation was added to the areas impacted by the student's disability. The math calculation PLAAFP data was updated to reflect that the student is performing on a fourth-grade instructional level. The supplementary aids and services were updated to reflect "the use of a resource notebook/folder with an index with various visuals and resources to support him during work completion. With an additional copy provided and updated for at home use." The IEP does not specifically reflect that the student will receive the "inclusion of individualized math anchor charts."

The IEP includes the following math calculation goal: "Given a set of grade level calculations, access to calculation resources and visual models, [the student] will apply learned strategies involving addition and subtraction of both proper and mixed fractions with at least 80% accuracy on 2 out of 3 trials."

¹ The student's math calculation IEP goal was developed at the February 24, 2025, IEP meeting and was included in the student's amended IEP as a new goal. The January 27, 2025, IEP goal progress included in the February 24, 2025, IEP did not include the math calculation goal because the student did not have that goal at the time of the January 2025 progress report. MSDE does not consider the failure to report progress on the math calculation goal on January 27, 2025, as a violation.

- Method of Measurement: Informal Procedures: Work Samples Classroom-Based Assessment: exit slips; unit tests; quizzes
- Criteria (Mastery and Retention) With: 80 % Accuracy

The IEP requires the following special education instruction and related services:

- Speech-language services continued.
- Self-management/behavior skills classroom instruction inside general education weekly continued.
- One, one hour and 30-minute session of classroom instruction inside general education, weekly.
 - “[The student] will receive 1 hour 30 minutes per week of special education services within the general education setting to address reading phonics, reading comprehension, written expression. These services may also be provided by special education instructional assistant under the guidance of the special education teacher.”
- Reading phonics, reading comprehension and written language instruction outside of the general education setting weekly continued.
- One, two-hour session of classroom instruction outside general education weekly.
 - “This service was ended via amendment on 2/24/25 and an additional service line was added to note the increase in math pull-out services: [The student] will receive 2 hour per week of math problem solving instruction outside of the general education setting. These services may also be provided by an instructional assistant under the guidance of the special education teacher.”
- One, four-hour session of classroom instruction outside general education, weekly.
 - “New service line added via amendment on 2/24/25 to note increase in math pull-out services: [The student] will receive 4 hour per week of math problem solving instruction outside of the general education setting. These services may also be provided by an instructional assistant under the guidance of the special education teacher.”

The LRE required by the previous IEP continued.

7. There is documentation that the student has received the specialized instruction and related services required by the IEP since December 2024.

CONCLUSION:

Based on Findings of Fact #3, #6, and #7, MSDE finds that the CCPS has implemented an IEP that addressed the student’s identified needs since December 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds no violation.

TIMELINES:

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the

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documentation was not made available during the investigation. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, at Tracy.Givens@maryland.gov. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

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

Sincerely,

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

ALH/ebh

c: Cynthia McCabe, Superintendent, CCPS
Wayne Whalen, Supervisor of Special Education Data and Compliance, CCPS
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Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
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