

April 16, 2025



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

RE: [REDACTED]  
Reference: #25-266

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 19, 2025, 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 allegation that the MCPS has not ensured that the student's progress towards achieving the IEP goals were measured in the manner required by the IEP since February 2024, in accordance with 34 CFR § 300.320.

**BACKGROUND:**

The student is 15 years old and is identified as a student with Other Health Impairment (OHI) and is eligible for special education services under the IDEA. The student attends [REDACTED] School ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACT:**

1. The IEP in effect in February 2024, was developed on March 17, 2023. The IEP requires the following IEP goals:
  - Written Language Mechanics: “By March 2024, given OT therapeutic intervention and consultation with staff, given adult support, small group opportunities, models, spell check on Chromebook, checklists, and feedback, [The student] will edit and revise his written work. as measured by a score of 80% or higher on at least five assignments.”
  - Method of Measurement: Classroom-Based Assessment: MCPS curriculum and teacher-created assessments Portfolio Assessment

- Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written. The criterion for retention is unclear in that it reflects two different criteria (e.g., "on at least five assignments" and "4 out of 5 trials.")

- Speech-Language Articulation: "Speech and Language: By March 2024, when provided with direct instruction and practice opportunities, [The student] will be able to produce /th/ in multisyllabic words within a 5-minute increment of structured conversation with 80% accuracy over 3 opportunities, using minimal verbal/visual cues (i.e., 1-2)."
  - Method of Measurement: Informal Procedures: data collection/ observation
  - Criteria (Mastery and Retention) With: 80 % Accuracy
- Self-Advocacy: "By March 2024, given fading verbal reminders and non-verbal gestures as well as a list of his accommodations, [The student] will use welcoming, inclusive and clarifying language to advocate for the support he needs to meet the expectations of the class as measured through classroom observations in five consecutive sessions."
  - Method of Measurement: Observation Record
  - Criteria (Mastery and Retention) With: 4 out of 5 trials
- Written Language Expression: "By March 2024, given graphic organizers, rubrics, oral rehearsal, and fading adult support, [The student] will compose narrative and expository texts of one paragraph across the curriculum using the structure of a single paragraph outline as measured by a score of 80% or higher on at least five assignments. "
  - Method of Measurement: Classroom-Based Assessment: MCPS curriculum and teacher-created assessments Portfolio Assessment
  - Criteria (Mastery and Retention) With: 80 % Accuracy
- Behavioral - Attention / Organization: "By March 2024, given a plan book and fading adult support, [The student] will demonstrate effective planning and time-management skills by submitting completed assignments by the due date as measured through classroom observations in five consecutive sessions."
  - Method of Measurement: Observation Record Other: "All Tasks/Assessments" and "Practice/Preparation" grading categories
  - Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written. The action required by the student is not clear because it does not state how many assignments or how many classes. The goal does not include a criterion for mastery.

- Reading Comprehension: "By March 2024, given adult support, modeling, practice opportunities and graphic organizers, [the student] will use during reading strategies (e.g., rereading, paraphrasing, summarizing, connecting related ideas within a text, verifying or modifying predictions, visualizing, and connecting text ideas with prior knowledge or experience) to determine what the text says explicitly and to make logical inferences from it as measured by earning a score of 80% or higher on at least five assignments."
  - Method of Measurement: Classroom-Based Assessment: MCPS curriculum and teacher-created assessments Other: MAP-R, SRI, and Lexile scores
  - Criteria (Mastery and Retention) With: 80 % Accuracy

- Math Problem Solving: “By March 2024, given a calculator, copies of notes, models, and step-by-step examples, [the student] will apply a variety of concepts, processes, and skills to solve real-world multi-step word problems as measured by a score of 80% or higher on at least five classroom opportunities.”
  - Method of Measurement: Classroom-Based Assessment: MCPS curriculum and teacher-created assessments (warm-ups, classwork, homework) Observation Record Other: MAP-M scores
  - Criteria (Mastery and Retention) With: 80 % Accuracy
- Speech-Language Expressive Language: “Speech and Language: By March 2024, when provided with direct instruction and practice opportunities, [the student] will be able to do the following (1.) define inference (2.) when provided with orally read curriculum-based text (i.e., 3-4 paragraphs), [the student] will be able to answer inferential questions and provide two examples of text evidence to support his response, with 80% accuracy, using moderate verbal/visual cues (i.e., 3-4).”
  - Method of Measurement: Informal Procedures: informal observation, data collection
  - Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include a criterion for retention.

2. The April 9, 2024, reporting of the student’s progress toward the IEP goals is as follows:

- Written Language Mechanics:
  - “Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress)
    - “[The student]<sup>1</sup> has participated in 9/26 opportunities to complete typing practice at school (absences not included.) In that time, there were 10 refusals to participate. Staff absence/change, loss of Chromebook privilege (1), and speech/language service overlap are also noted causes for lack of participation. Goal is for participation for 5-10 minutes at least 3 days per week.”

The progress reported for this goal does not reflect the correct student or IEP goal.

- Speech-Language Articulation:
  - “[The student] was able to produce the /th/ phoneme with 97% accuracy when reading grade-level text. He was able to produce /th/ with 100% accuracy within a 3-minute conversation sample. [The student]'s intelligibility with a familiar listener in a known context is good.”

The progress for this goal is not measured as required by the IEP. The narrative does not include the criterion for retention.

- Written Language Expression:
  - Achieved

---

<sup>1</sup> The progress reported for this goal included a different student’s name and was not a report of this student’s progress toward his IEP goal.

- “[The student] continues to produce legible writing and effective typing as needed to complete his assigned work. He is able to identify barriers to completing work to be turned in neatly including rushing and overwriting mistakes rather than erasing completely before making changes. With occasional reminders and without further cueing or assistance, he is able to work more slowly and erase his mistakes completely before making corrections. He is experimenting with using alternate shaded-lined paper for drafting/composing to allow edits to be made in the remaining spaces.”

The progress for this goal is not measured as required by the IEP. It does not include the criterion for retention or mastery in the narrative.

- Reading Comprehension
  - No progress reported
- Math Problem Solving
  - No progress reported
- Speech-Language Expressive Language
  - “When given 8th grade nonfiction text "Life Story: Elizabeth Freeman" (Readworks / 920 Lexile Level) and multiple-choice questions, [the student] was able to answer inferential in 1/3 trials. When given a verbal prompt to read question and answer choices again, [the student] was able to answer questions in 3/3 trials (e.g., What can you conclude from Elizabeth's freedom based on this information? The new Massachusetts state constitution changed the lives of enslaved people living there).”

The progress toward this goal is not measured as required by the IEP. It does not include the criterion for retention or mastery in the narrative.

3. On April 23, 2024, the IEP team reconvened to conduct re-evaluation planning and the student’s annual review. The prior written notice (PWN) generated after reflects the IEP team considered the student’s “educational record, MAP scores, quarter grades, quarterly progress reports, teacher reports and input from the [complainant] and family advocate” in making its decisions. The IEP team decided to update the student’s reading comprehension and speech-language goals. The MCPS proposed “to implement the IEP developed on 4/23/2024 based upon the IEP team’s review of Raphael's progress and revisions to Raphael's present level of academic achievement and functional performance, development of appropriate goals, and supplementary aids and supports which indicate that the 4/23/2024 IEP is necessary to provide [REDACTED] with a free appropriate public education.”
4. The April 23, 2024, IEP included the following IEP goals:
  - Written Language Mechanics:
    - “By April 2025, given adult support, small group opportunities, models, spell check on Chromebook, checklists, and feedback, [the student] will edit and revise his written work. as measured by a score of 80% or higher on at least five assignments.”
      - Method of Measurement: Classroom-Based Assessment: MCPS curriculum, teacher-created assessments, writing samples
      - Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written. The criterion for retention is unclear in that it reflects two different criteria (e.g., "on at least five assignments" and "4 out of 5 trials.")

- Self-Advocacy:
  - "By April 2025, given fading verbal reminders and non-verbal gestures as well as a list of his accommodations, [REDACTED] will increase his awareness of the effectiveness of his self-advocacy as measured through classroom observations in five consecutive sessions."
    - Method of Measurement: Observation Record
    - Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written. The action required is unclear, and it does not include a criterion for mastery.

- Written Language Expression:
  - "By April 2025, given graphic organizers, rubrics, oral rehearsal, and fading adult support, [the student] will compose narrative and expository texts of two or more paragraphs across the curriculum using the structure of a single paragraph outline as measured by a score of 80% or higher on at least five assignments."
    - Method of Measurement: Classroom-Based Assessment: MCPS curriculum, teacher-created writing assignments, CWP/EWP
    - Criteria (Mastery and Retention) With: 80 % Accuracy
- Attention / Organization
  - "By April 2025, given a plan book and fading adult support, [REDACTED] will demonstrate effective planning and time-management skills by submitting completed assignments by the due date as measured through classroom observations in five consecutive sessions."
    - Method of Measurement: Observation Record Other: "All Tasks/Assessments" and "Practice/Preparation"
    - Criteria (Mastery and Retention) With: 4 out of 5 trials

This goal is not measurable as written. It does not include a criterion for mastery.

- Reading Comprehension
  - "By April 2025, given adult support, modeling, practice opportunities and graphic organizers, [the student] will use during reading strategies (e.g., rereading, paraphrasing, summarizing, connecting related ideas within a text, verifying or modifying predictions, visualizing, and connecting text ideas with prior knowledge or experience) to determine what the text says explicitly and to make logical inferences from it as measured by earning a score of 80% or higher on at least five assignments."
    - Method of Measurement: Classroom-Based Assessment: MCPS curriculum and teacher-created assessments Other: MAP-R, SRI, and Lexile scores
    - Criteria (Mastery and Retention) With: 80 % Accuracy
- Math Problem Solving
  - "By April 2025, given a calculator, copies of notes, models, step-by-step examples, and a formula sheet, [the student] will demonstrate the ability to investigate,

interpret, and communicate solutions to mathematical and real-world problems as measured by earning an 80% or higher on formative and summative assessments.”

- Method of Measurement: Classroom-Based Assessment: MCPS curriculum and teacher-created assessments (warm-ups, classwork, homework)  
Observation Record Other: MAP-M scores
- Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include a criterion for retention.

- Fine Motor
  - “(OT) By July 23, 2024, given a reminder to do his best work, [the student] will use effective bilateral fine motor strategies to produce legible written work digitally and on paper in eighty percent of measured opportunities across one quarter as measured by work samples, observation and/or staff report.”
  - Method of Measurement: Informal Procedures: Work Samples, Teacher Report, Related Service Logs Observation Record
  - Criteria (Mastery and Retention) With: 80% of measured opportunities

This goal is not measurable as written. It does not include a criterion for retention.

- Speech-Language Expressive Language
  - " By April 2025, when provided with direct instruction, multiple opportunities for practice, and orally read curriculum-based text (i.e., 3-4 paragraphs), [redacted] will be able to answer inferential questions and provide two examples of text evidence to support his response, with 80% accuracy, using no more than 2 verbal cues.”
  - Method of Measurement: Informal Procedures: informal observation, data collection
  - Criteria (Mastery and Retention) With: 80 % Accuracy

This goal is not measurable as written. It does not include a criterion for retention.

5. June 14, 2024, reporting of the student’s progress toward the IEP goals is as follows:

- Math Problem Solving
  - Making sufficient progress to meet goal
  - Actual Result Achieved: 82 % Accuracy
    - “The objectives above will be addressed in Algebra class next year. During quarter four [redacted] focused on data and statistics. In these concepts, he had to determine if his answer or probability would make sense in the context of the problem, and he was able to do this accurately in four out of five consecutive opportunities.  
Curriculum Data:
    - U6CD#1 (Scatterplot Project)-8.5/10
    - U6CD#2 (Measures of Central Tendency)-7.5/10
    - U6CD#3 (Box-and-Whisker Plots)-4.5/7
    - U6CD#4 (Frequency Tables)-5/6
    - Equations CD-7/8
    - Equations Error Analysis-6/6”

The progress toward this goal is not measured as required by the IEP.

- Speech and Language Expressive Language
  - “When presented with orally read nonfiction text and multiple-choice options (an Excerpt from Obama's Presidential Proclamation—MLK Day, A Career For You in Esports?, From Tsardom to Communism), the student could answer inferential questions in 10/10 trials (100%) during three trials within the quarter, using minimal verbal cues (e.g., Why might the people in Russia have supported the communist Bolsheviks in trying to overthrow the Romanov Dynasty? The student chose the following: They did not believe they were getting the benefits and prosperity that wealthy people in Russia were getting under the rule of the Romanovs). When provided with orally read text and multiple-choice options, the student identified one example of text evidence to support his response to an inferential question in three out of three trials (100%) during the quarter. The student was able to identify two pieces of text evidence to support his response to an inferential question in 3/3 trials (100%) during 3 trials within the quarter, using 2 verbal cues. (e.g., What was the impact of Tsars and the communist government on the Russian people? The student identified (1.) Ivan IV's reign led to a time of great trouble in Russia, while Tsar Mikhail's reign led to an era of prosperity (2) Bolsheviks led to an era of communism where every citizen would work for the government, which would reward each worker with fair wages).

The progress toward this goal is not measured as required by the IEP. It does not reference the action required in two of the three examples.

- Written Language Mechanics:
  - Making sufficient progress to meet goal
  - Actual Result Achieved: 3 out of 5 trials
    - “Academic Lit Narrative:
      - The student had two spelling errors
      - The student used accurate punctuation to imbed dialogue with only one error
  - Actions vs. Words:
    - The student had no spelling errors
    - The student used accurate punctuation to imbed dialogue in all instances.”

The progress toward this goal is not measured as required by the IEP. It does not include the criterion for mastery.

- Written Language Expression:
  - Making sufficient progress to meet goal
  - Actual Result Achieved: 70 % Accuracy
    - “Objectives 1 and 4 are newly implemented as of the end of April per the new IEP. The student completed one extended writing assignment in English this quarter, the Actions vs. Words essay. This was graded for transitions and supporting details. He completed two appropriate writing assignments in History this quarter, Tensions Leading to War Quiz Essay and Perspectives on Emancipation Proclamation.
      - Tensions Quiz Essay, 15/15
      - Perspectives on Emancipation Proclamation 17/20
        - Comments were that he needed to use all the documents and provide additional evidence

- Actions vs. Words Essay, 27/32
  - Focus and Organization - 4/4
  - Purpose and Development 3/4 (some paragraphs included stronger development than others)
- In Academic Lit, he completed a story essay. This was a narrative quote-based story prompt. He earned a 24/32.
  - He struggled with an inconsistent point of view and paragraphing.
  - He was proficient in having meaningful transition links, character/narrative development, descriptions added to the narrative, word choice, and language.
  - He was advanced in his intro and conclusion, enriching dialogue, varied sentences, capitalization, usage, and spelling.

The progress toward this goal is not measured as required by the IEP. It does not include the criterion for retention.

6. November 1, 2024, reporting of the student's progress toward the IEP goals is as follows:

- Written Language Mechanics
  - Achieved
  - Actual Result Achieved: 5 out of 5 trials
    - "Over the course of the quarter, The student was given multiple opportunities to show writing abilities as shown on the following assignments and teacher report:
      - 10/29/2024 - Narrative 2: Bildungsroman Final Product 97%
      - 10/23/2024 - Narrative 2: Bildungsroman Topic Idea 100%
      - 10/17/2024 - Common Writing Task (CWT) 85%
      - 10/4/2024 - In the Voice of Narrative 90%
      - 9/30/2024 - In the Voice of Planner 80%

History teacher reports, "For his most recent Common Written Task, the student did great using the available technology to write an essay free of spelling of grammar errors."

The progress toward this goal is not measured as required by the IEP. It does not reflect if the student completed the required action (edit/revise work) in the teacher reports.

- Self-Advocacy
  - Making sufficient progress to meet goal Description:
  - Actual Result Achieved: 3 out of 5 trials
    - Over the course of the quarter, the student was given multiple opportunities to show self-advocacy skills as is evidence in the following teacher reports:
    - Algebra teacher reports no concerns with self-advocacy.
    - Resource teacher reports no concerns with self-advocacy stating the student utilizes his accommodations and reaches out for help when he needs it.
    - History teacher reports, "the student, I feel, does struggle with objective #2. Often the student will ask a question that is explicitly in the instructions or that could be found on Canvas or was discussed as a whole class."
    - Biology teacher reports, "The student frequently checks the grade posted to see which assignments are due/late/missing. The student communicates clearly when he needs to use the accommodation."



- French teacher reports, "Because writing for level one is so short, they rarely would write more than 5 sentences. However, I do not allow them to use a computer as Google [to] correct language errors (though sometimes wrongly) which defeats the purpose of everything we learn. He takes his time but does produce handwritten work. Although I always give checklists, he would benefit by using them and literally checking each thing off as he includes it."

The progress toward this goal is not measured as required by the IEP. It does not reflect the required number of trials.

7. January 28, 2025, reporting of the student's progress toward the IEP goals is as follows:

- Attention / Organization
  - Making sufficient progress to meet goal
  - Actual Result Achieved: 4 out of 5 trials
    - Over the course of the quarter, the student was given multiple opportunities to show time management skills as shown in the following teacher reports and grade book data:
    - Teacher Reports
      - Math teacher reports, "He is consistently completing his assignments and does a great job of participating during class. Performs very well on all assessments. No concerns at all at this time."
      - French teacher reports, "The student is really good at staying on top of his assignments and taking advantage of retakes."
      - Grade Book Data
      - English: Of the 34 assignments, two were missing (not submitted) and 7 were late (beyond time and a half)
      - Biology: The student submitted 100% of his assignments in Biology class and 3 were late (beyond time and a half)"

The progress toward this goal is not measured as required by the IEP. It does not reflect the required number of trials. Two of the teacher reports do not provide specific data regarding the student's progress toward the goal.

**DISCUSSION AND CONCLUSION:**

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 (34 CFR §§ 300.101, .320, and .323).

In this case, some of the student's goals were not measurable as written. This causes the goals to be immeasurable. Some of the progress reported toward the student's goals was not measured and reported as required by the IEP. Also, there was no progress reported for two goals not achieved in the previous marking period or removed by the IEP team.

Based on Findings of Fact #1 through #10, MSDE finds that the MCPS has not ensured that the student's progress towards achieving the IEP goals were measured in the manner required by the IEP since February 2024, in accordance with 34 CFR § 300.320. Therefore, MSDE finds 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. 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>2</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with 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 Branch, MSDE, to ensure the effective implementation of the action.<sup>3</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**

By June 16, 2025, MSDE requires the MCPS to provide documentation that the school system has convened an IEP team meeting and determined whether the violation related to progress measurement 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 one year of the date of this Letter of Findings.

The MCPS must ensure that the complainant is provided with written notice of the team's decisions. The complainant 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 16, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for developing measurable IEP goals and reporting of IEP goal progress under the IDEA. These steps must include staff development.

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. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, at

---

<sup>2</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects 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, 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.

<sup>3</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.

[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.

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: Dr. Thomas W. Taylor, Superintendent, MCPS  
Dr. Peggy Pugh, Chief Academic Officer, MCPS  
Gerald Loiacono, Supervisor, Resolution and Compliance Unit, MCPS  
Maritza Macias, Paralegal, MCPS  
Eve Janney, Compliance Specialist, MCPS  
[REDACTED], Principal, [REDACTED] School, MCPS  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Dr. Brian Morrison, Branch Chief, Accountability and Data, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Elizabeth B. Hendricks, Complaint Investigator, MSDE