

April 7, 2025

[REDACTED]

Mr. Kevin Smith  
Director of Special Education  
Wicomico County Public Schools  
2424 Northgate Drive Suite 100  
Salisbury, MD 21801

RE: [REDACTED]  
Reference: #25-267

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 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 Wicomico County Public Schools (WCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The WCPS has not ensured that the Individualized Education Program (IEP) team considered the results of an independent educational evaluation (IEE)<sup>1</sup> obtained at private expense provided to them by the parents, since December 2024, in accordance with 34 CFR § 300.502.
2. The WCPS has not developed an IEP that addresses the student’s identified attention deficit hyperactivity disorder (ADHD) needs since December 2024, in accordance with 34 CFR § 300.324.
3. The WCPS has not ensured that the student’s progress towards achievement of his annual IEP goals were measured as required by the IEP since February 2024, in accordance with 34 CFR §§ 300.101 and .324.

---

<sup>1</sup> During the course of the investigation, it was determined that the parent provided the WCPS with a private medical evaluation which is not an IEE.

**BACKGROUND:**

The student is six years old and is identified as a student with a speech-language impairment under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1**

**RESULTS OF AN IEE**

**FINDING OF FACT:**

1. On February 4, 2025, the IEP team convened to complete the reevaluation and determine continued eligibility for special education and related services. The prior written notice (PWN) generated following the meeting reflects the parent provided a November 12, 2024, medical letter. The letter reflects that the student has “recently been diagnosed with ADHD predominantly inattentive type. This should be added to and addressed by his existing IEP.”

The IEP team considered addressing the medical diagnosis of ADHD [attention deficit hyperactivity disorder] however the medical diagnosis of ADHD did not reach the level to require specially designed instruction (SDI) and related services through an IEP. However, the IEP team did agree to consider adding instructional/testing accommodations to address concerns from the parent pertaining to the student's access of the general education curriculum due to the medical diagnosis of ADHD.

On February 4, 2025, the IEP team completed the Team Consideration of Parent Provided Private Evaluations form, reflecting the consideration of the parent provided medical letter.

**CONCLUSION:**

Based on Finding of Fact #1, MSDE finds that the WCPS has ensured that the IEP team considered the results of an IEE obtained at private expense provided to them by the parents, since December 2024, in accordance with 34 CFR § 300.502. Therefore, MSDE finds no violation.

**ALLEGATIONS #2 AND #3**

**IEP DEVELOPMENT AND REPORTING OF PROGRESS**

**FINDINGS OF FACT:**

2. The student's IEP in effect in December 2024, was developed on April 23, 2024. The IEP reflects the student's primary disability as speech-language impairment with speech-language fluency as the area impacted by the disability.

The IEP reflects that the IEP team considered the provision of instructional and testing accommodations, supplementary aids, services, program modifications, and supports:

“The IEP team considered the need for instructional/testing accommodations and determined that none were needed at this time for [the student] to participate in his age-appropriate academic activities.”

“The IEP team considered the need for supplementary aids, services, program modifications, and supports. It was determined that none were needed at this time for [the student] to participate in his age-appropriate academic activities.”

The IEP required a speech-language fluency goal, with progress to be reported on quarterly: "By April 2025, during small group discussions, when relating information (i.e., personal experience, story retell, etc.) and given visual (e.g. using hand gestures or image card) and verbal cues (e.g. "remember to start gentle") to use a fluency technique (e.g. easy onset or pull-out), [the student] will orally respond using a fluency technique (e.g. easy onset, pull-out) to clearly express his thoughts, feelings, or ideas at the sentence level with no more than 2 stuttering events in 4/5 sentences shared."

- Method of measurement: informal procedures and observational record
- Criteria (mastery and retention): 2 stuttering events in four out of five sentences shared

The following progress was reported:

- June 5, 2024: Making sufficient progress to meet the goal; "Since beginning his new goals. [The student] has made great progress on his use of fluency strategies. Prior to the start of each session, we identify which strategy we are going to use and how we are going to execute. For example, if he selects slowed rate, we draw a visual to represent slow rate and reference it prior to sharing his thoughts on a named topic. [The student] is currently using a fluency strategy to express his thoughts and feelings with an average of 6 stuttering events in 2/3 sentences shared."
  - November 8, 2024: Making sufficient progress to meet the goal; "[The student] is making great progress toward his fluency goal. During spontaneous speech tasks, including story-telling, answering questions, descriptive naming, etc., [the student] has demonstrated 0-3 stuttering episodes per 4-5 sentences produced. Dysfluencies are characterized by sound prolongations (i.e., "ssss-o"), whole-word repetitions (i.e., "what what"), and part-word repetitions (i.e., "he-hello"). Dysfluencies are generally of short duration and do not negatively impact his ability to express desired thoughts or cause frustration. [The student] is very social and eager to engage in conversation with SLP and peers and his mind sometimes goes faster than the words coming out. However, he has been doing a great job monitoring self, speaking slowly, and using his speech strategies."
  - February 5, 2025: Making sufficient progress to meet the goal; "[The student] has making sufficient progress towards his fluency goal. During structured story-telling activities, he has presented with approximately 2-4 dysfluencies every 5-6 sentences produced, characterized by whole-word repetitions, partword repetitions, and phrase repetitions. [The student] occasionally demonstrates an increase in dysfluency during spontaneous speech (open-ended conversation), which appears to be related to a combination of his mind moving faster than the words coming out, in addition to the excitement he has related to the preferred/shared topics. He demonstrates the ability to pull out of a dysfluency with the ability to communicate his intended thought(s)."
3. The student's IEP developed on March 5, 2025, reflects the student's primary disability as speech-language impairment with speech-language fluency and self-management as areas impacted by the disability.

The IEP requires the following instructional and testing accommodations:

- Answer masking
- Eliminate answer choice
- Redirect student
- Separate or alternate location
- Specified area or setting
- Extended time (1.5x)

The IEP reflects that the IEP team considered the provision of supplementary aids, services, program modifications, and supports:

“The IEP team considered the need for supplementary aids, services, program modifications and supports. It was determined that none were needed at this time for [the student] to participate in his age-appropriate academic activities.”

The IEP requires a speech-language fluency goal: “By April 2025, during small group discussions, when relating information (i.e., personal experience, story retell, etc.) and given visual (e.g. using hand gestures or image card) and verbal cues (e.g. "remember to start gentle") to use a fluency technique (e.g. easy onset or pull-out), [the student] will orally respond using a fluency technique (e.g. easy onset, pull- out) to clearly express his thoughts, feelings, or ideas at the sentence level with no more than 2 stuttering events in 4/5 sentences shared.”

- Method of measurement: informal procedures and observational record
- Criteria (mastery and retention): 2 stuttering events in four out of five sentences shared

### **DISCUSSION AND CONCLUSIONS:**

In this case, the complainant alleged that the WCPS had not developed an IEP that addressed the student’s identified ADHD since December 2024, however, the WCPS was not made aware of the diagnosis until the February 4, 2025, IEP team meeting. At which time the WCPS identified self-management as an area of impact related to the ADHD diagnosis.

#### **Development of the IEP**

Based on Findings of Fact #1 and #3, MSDE finds that the WCPS has developed an IEP that addresses the student’s identified ADHD needs since February 4, 2025, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

#### **Reporting of Progress**

Based on Finding of Fact #2, MSDE finds that the WCPS has ensured that the student’s progress towards achievement of his annual IEP goals were measured as required by the IEP since February 2024, in accordance with 34 CFR §§ 300.101 and .324. Therefore, MSDE does not find a 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 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](mailto:Tracy.Givens@maryland.gov).

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. Micah Stauffer, County Superintendent, WCPS  
Nicole A. Twilley, Supervisor of Special Education, Compliance and Professional Development, WCPS  
[REDACTED], Principal, [REDACTED] School, WCPS  
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