

April 24, 2025

[REDACTED]

Dr. Rebecca Miller  
Director of Special Education  
Cecil County Public Schools  
201 Booth Street  
Elkton, Maryland 21921

Re: [REDACTED]  
Reference: #25-271

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.

On February 24, 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 Cecil County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and related requirements concerning the above-referenced student.

**ALLEGATIONS:**

1. The CCPS did not ensure that the Individualized Education Program (IEP) addresses the student’s needs arising out of dyslexia since February 2024, in accordance with 34 CFR § 300.324.
2. The CCPS did not ensure that the IEP team reviewed and revised, as appropriate, the student’s IEP to address lack of expected progress toward achieving his IEP goals, since February 2024, in accordance with 34 CFR §§ 300.101 and .324.
3. The CCPS has not ensured that the student is being provided with the special education instruction required by the IEP since February 2024, in accordance with 34 CFR §§ 300.101 and .323.

**BACKGROUND:**

The student is 11 years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA. The student attended [REDACTED] School during the 2024-2024 school year and currently attends [REDACTED] School. The student has an IEP that requires the provision of special education instruction and related services.

## ALLEGATIONS #1 and #2

## IEP DEVELOPMENT and PROVISION OF INSTRUCTION

### **FINDINGS OF FACT:**

1. The IEP in effect in February 2024, was developed on May 3, 2023, and reflects areas impacted by the disability: math problem solving, reading phonics, written language expression, and fine motor.

The IEP requires instructional and assessment accessibility features:

- General administration directions clarified, general administration directions read aloud and repeated as needed, redirect student, spell check or external spell check device, graphic organizer.
- Text to speech for the mathematics, science, and government assessments (a student's sr/pnp for mathematics may specify text only or text and graphics inclusion orders. text only inclusion order provides selected sections.), Human reader or human signer mathematics, science, and government assessments (entire text or selected sections),

The IEP requires instructional and assessment accommodations:

- Text to Speech for the ELA/Literacy Assessments, including items, response options, and passages,
- Human reader/Human Signer for ELA
- ELA/Literacy selected response speech-to-text,
- mathematics, science, government response speech-to-text, ELA/L constructed response speech-to-text
- Extended time 1.5

The IEP requires supplementary aids, services, program modifications, and supports:

- Daily- proofreading checklist, spelling resource, math reference sheets, tier iii reading intervention, graphic organizers, frequent and/or immediate feedback, break assignments into small sections, and preferential seating
- Weekly - alternative ways for students to demonstrate learning

The IEP includes goals in reading phonics, written language expression, and math problem-solving.

The IEP requires one hour and thirty minutes per week of special education instruction outside the general education setting to be provided by the special education teacher and/or the general education teacher.

The IEP requires one hour and thirty minutes per week of special education instruction inside the general education setting to be provided by the special education teacher and/or the general education teacher.

The IEP requires one - twenty-minute session per week of Occupational Therapy (OT) as a related service to be provided outside of the general education setting.

The IEP requires reports of progress, to be reported with the "same frequency as non-disabled peers."

2. The IEP developed on May 10, 2024, reflects the following areas are impacted by the disability: math problem solving, reading phonics, and written language expression.

The IEP requires instructional and assessment accessibility features:

- General administration directions clarified, general administration directions read aloud and repeated as needed, redirect student, spell check or external spell check device, graphic organizer.
- Text to speech for the mathematics, science, and government assessments (a student's sr/pnp for mathematics may specify text only or text and graphics inclusion orders. Text only inclusion order provides selected sections.)  
Accessibility
- Human reader or human signer mathematics, science, and government assessments (entire text or selected sections)
- small group
- separate or alternate location
- Frequent Breaks
- reduce distractions to self
- Reduce distractions to other

The IEP requires Instructional and assessment accommodations:

- Assistive Technology (Non-Screen Reader)
- Text to Speech for the ELA/Literacy Assessments, including items, response options, and passages,
- Human reader/Human Signer for ELA, ELA/Literacy selected response speech-to-text, mathematics, science, government response speech-to-text, ELA/L constructed response speech-to-text
- Notes and outlines
- Calculation device and mathematics tools (on Calculation Sections of the Mathematics Assessments)
- Calculation device and mathematics (on NON-Calculation Sections of the Mathematics Assessments)
- ELA/Literacy Selected Response Speech-to-Text
- Mathematics, Science, Government Response Speech-to-Text
- ELA/L Constructed Response Speech-to-Text
- Word Prediction External Device
- Extended time 1.5X

The IEP requires supplementary aids, services, program modifications, and supports:

- Daily- Provide proofreading checklist, provide a proofreading checklist, spelling resource, math reference sheets, tier iii reading intervention, graphic organizers, frequent and/or immediate feedback, break assignments into small sections, preferential seating, home-school communication, Speech-to-text and typing for the written expression
- Weekly - Provide alternative ways for students to demonstrate learning

The IEP includes goals in reading phonics, written language expression, and math problem-solving.

The IEP requires one hour per week of special education instruction outside the general education setting to be provided by the special education teacher and/or the general education teacher.

The IEP requires one hour and thirty minutes per week of special education instruction inside the general education setting to be provided by the special education teacher and/or the general education teacher.

The IEP requires reports of progress, to be reported with the “same frequency as non-disabled peers.”

3. There is no documentation that the student has needs that impact his ability to access the curriculum which is not addressed by the IEP.
4. There is documentation that the student has been provided with the special education instruction as required by the IEP since February 2024.

### **CONCLUSIONS:**

#### **IEP Development**

Based on Findings of Fact #1 through #3, MSDE finds the CCPS did ensure that the IEP addresses the student’s needs arising out of dyslexia since February 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

#### **Provision of Instruction**

Based on Findings of Fact #1, #2, and #4, MSDE finds that the CCPS has ensured that the student is being provided with the special education instruction as required by the IEP since February 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

### **ALLEGATION #2**

### **ADDRESS THE LACK OF PROGRESS TOWARD IEP GOALS**

#### **FINDINGS OF FACT:**

5. The math problem solving goal reflects “Given grade-level word problems including whole numbers, fractions, or decimals, [Student] will solve the problems by determining the operation/s needed to solve the problems, writing the necessary equations, and solving the problems using any appropriate method (i.e. standard algorithm, area model) with 80% accuracy in 3 out of 4 trials, as measured by classroom based assessment and observation, by May 2, 2024.”

The report of progress, developed on May 10, 2024, reflects the student was “not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress.” The narrative reflects “83% accuracy: Final Progress 5/7/2024. [Student] completed work problems requiring addition subtraction multiplication and division period during this trial he was able determine the operations needed for multiplication and division after a discussion of the problem. He completed the standard algorithm for multiplication with support from a multiplication chart. He received 83% accuracy for this trial.”

6. The reading phonics goal reflects “When given 10 words from an evidence based reading intervention, containing the consonant-vowel-consonant pattern and blends and digraphs, in isolation, [the student] will apply grade-level phonics and word analysis skills to decode words with 70% accuracy for 3 out of 4 trials, as measured by data collection and observation, by May 2, 2024.”

The report of progress, developed on May 7, 2024, reflects the student was “Not making sufficient progress to meet goal IEP team needs to meet to address insufficient progress.” The narrative reflects the student “achieved 90% accuracy. A narrative of progress will be provided at the end of the marking period.”

The report of progress, developed on May 10, 2024, reflects the student was not “Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress) 05/10/2024.” The narrative reflects “Actual results achieved 90% accuracy. Final progress May 5th. 2024 [Student] was able to read words containing the consonants, vowel consonants pattern on May 7 to 2024. During his trial, he read 9 out of 10 presented words, scoring 90% accuracy. He read the following words correctly; mat, hip, pin, sap, pet, bot, tug, rug, and cap. He read the word lag incorrectly.”

7. The reading phonics goal reflects “When given 10 words from an evidence based reading intervention, containing blends and digraphs, in isolation, [Student] will apply grade-level phonics and word analysis skills to decode words with 70% accuracy for 3 out of 4 trials, as measured by data collection and observation, by May 9, 2025.”

The report of progress, developed on December 9, 2024 “Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress).” The actual results archived, reflects the student was not making progress “due to recurring absences.”

8. The math problem solving goal reflects “Given grade-level word problems including whole numbers, fractions, or decimals, discussion of the situation presented in the word problem, and access to a multiplication chart, [redacted] will solve problems involving addition, subtraction, multiplication, and/or division, by determining the operation/s needed to solve the problems, writing the necessary equations, and solving the problems using any appropriate method (i.e. standard algorithm, area model) with 80% accuracy in 3 out of 4 trials, as measured by classroom based assessment and observation, by May 9, 2025.”

The report of progress, developed on December 9, 2024 “Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress).” The actual results archived, reflects the student was not making progress “due to recurring absences.”

9. The written language goal reflects “Given a grade-level text/material and prompt presented aloud, access to a portable word processor, and checklist, [redacted] will verbalize his thoughts aloud utilizing speech to text to complete a topic sentence restating part of the prompt, supporting detail sentences, and a conclusion, and edit and revise in regards to sentence structure and conventions of Standard English, with support from peers/adults, with 80% accuracy for 3 out of 4 trials, as measured by classroom based assessment, by May 9, 2025. A grade level rubric will be used to score [student] writing.”

The report of progress, developed on December 9, 2024 “Not making sufficient progress to meet goal (IEP team needs to meet to address insufficient progress).” The actual results archived, reflects the student was not making progress “due to recurring absences.”

10. There is documentation that the progress reported on January 30, 2025, for math problem solving, reading phonics, written language expression, and fine motor goals were measured as required by the IEP.

### **CONCLUSION:**

In this case, the report of progress developed for the reading phonics goal on May 7, 2024, and the math problem solving goal on May 10, 2024, reflects that the student was not making sufficient progress. However, the progress narrative and the underlying data both reflect that the progress was not reported as required by the goal and the progress was not reported properly. It is not possible to determine whether the student was or was not making sufficient progress as the percentage of progress reported is above the mastery criteria, but the number of trials is unclear.

Based on Findings of Fact #5 through #6, MSDE finds that the progress was not reported properly. Because it is not possible to determine whether the student was making progress or not, and because the student was reported to not making sufficient progress, CCPS should have convened an IEP team meeting to address the reported lack of progress. Therefore, MSDE finds that CCPS did not ensure that the IEP team reviewed and revised, as appropriate, the student’s IEP to address lack of expected progress toward achieving his IEP goals, since May 2024, in accordance with 34 CFR §§ 300.101 and 324. Therefore, MSDE finds a violation.

Based on Finding of Fact #10, MSDE finds that the report of progress developed on January 18, 2025, reflects that the student was making sufficient progress. As a result, the CCPS was not required to convene to review and revise, as appropriate, the student’s IEP to address the lack of expected progress toward achieving his IEP goals, in accordance with 34 CFR §§ 300.101 and 324. Therefore, MSDE does not find a violation.

### **CORRECTIVE ACTIONS AND TIMELINES:**

The IDEA requires that State complaint procedures include those for 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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable timeframes below to ensure that noncompliance is corrected in a timely manner.<sup>1</sup> 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.

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<sup>1</sup> 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.

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>2</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**

MSDE requires the CCPS to provide documentation by June 30, 2025, that the IEP team has taken the following action: Convened an IEP team meeting and 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 CCPS must ensure that the complainant 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 CCPS to provide professional development to the [REDACTED] School staff on proper progress monitoring on annual goals by June 30, 2025, for special education staff, including related services personnel. This must include professional development and ongoing internal monitoring.

Specifically, the CCPS must provide a monitoring report for 10 randomly selected students at [REDACTED] School, reflecting data demonstrating compliance with the proper reporting of quarterly progress reports. Full compliance is required. If 100% compliance is not reported, a second sample will be reported by December 1, 2025. If 100% compliance is not obtained, the CCPS will confer with MSDE to determine the next steps.

### **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 documentation was not made available during the investigation. Request for reconsideration should be sent directly to Tracy Givens, Section Chief, Dispute Resolution at [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.

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<sup>2</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.

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 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/ra

c: Dr. Jeffery Lawson, Superintendent, CCPS  
[REDACTED], Principal, [REDACTED] School, CCPS  
[REDACTED], Principal, [REDACTED] School, CCPS  
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE  
Dr. Brian Morrison, Branch Chief, Accountability and Data, MSDE  
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