

May 1, 2025

[REDACTED]

Mr. Larry W. Johnson  
Director of Special Education  
Charles County Public Schools  
P.O. Box 2770  
LaPlata, Maryland 20646

Re: [REDACTED]  
Reference: #25-299

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education, 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 March 13, 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 Charles County Public School System (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and related requirements concerning the above-referenced student.

MSDE investigated the following allegations:

1. The CCPS did not provide prior written notice (PWN) of the basis for the Individualized Education Program (IEP) team’s decisions regarding compensatory services made at the September 2024 IEP team meeting, in accordance with 34 CFR § 300.503.
2. The CCPS has not developed and implemented an IEP that addresses the student’s identified reading, writing, and math needs since March 13, 2024, in accordance with 34 CFR §§ 300.101, .323, and .324.
3. The CCPS did not ensure that proper procedures were followed before determining the student was no longer eligible for speech-language services under the IDEA since February 1, 2025, in accordance with 34 CFR §§ 300.303 - .306, and COMAR 13A.05.01.06.

**BACKGROUND:**

The student is nine years old and is a student identified with a Specific Learning Disability ([REDACTED]) under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1**

**PROVISION OF PWN**

**FINDING OF FACT:**

1. There is no documentation that an IEP meeting regarding compensatory services occurred during the month of September 2024.

**CONCLUSION:**

The public agency is required to provide the parent of a student with a disability with written notice before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. (34 CFR § 300.503).

In this case the complainant alleges that the concerns related to missed services were raised in September 2024 and the CCPS did not issue a PWN in response to her concerns about missed services.

Based on Finding of Fact #1, MSDE finds an IEP team meeting did not occur in September 2024 triggering the requirement for CCPS to provide PWN, in accordance with 34 CFR § 300.503. Therefore, MSDE does not find a violation.

**ALLEGATION #2**

**IEP DEVELOPMENT**

**FINDINGS OF FACT:**

2. The IEP in effect on March 13, 2024, was developed on February 15, 2024, and reflects that math calculation, reading fluency, reading phonics, speech and language fluency, and written language content are areas impacted by the student's disability.

The IEP requires the implementation of the following instructional and assessment accessibility features: general administration directions read aloud and repeated as needed, redirect student, small group, frequent breaks, and reduce distractions to self.

The IEP requires the implementation of instructional and assessment accommodations: extended time (1.5X).

The IEP requires the implementation of the following supplementary aids, services, program modifications, and supports daily: allow use of organizational aids, allow use of manipulatives, check for understanding, monitor independent work, repetition of directions, math intervention, reading intervention, and preferential seating.

The IEP includes goals in reading fluency, reading phonics, written language content, speech-language fluency, and math calculation.

The IEP requires:

- five hours per week of special education instruction inside the general education setting to be provided by the special education teacher, general education teacher, and/or instructional assistant

- five hours per week of special education instruction outside the general education setting to be provided by the special education teacher and/or instructional assistant
  - one hour per month of speech-language as a related service outside the general education setting
3. The February 27, 2025, IEP reflects that math calculation, reading comprehension, reading fluency, and written language mechanics are areas impacted by the student's disability.

The IEP requires the use of AT device(s) but does not require AT service(s).

The IEP includes the implementation of instructional and accessibility features:

- General directions clarified
- Redirect student work
- Small group
- Separate or alternate location
- Reduce distraction to self

The IEP includes the implementation of instructional assessment accommodations:

- Mathematics tools including calculator (on calculator and non-calculator sections of mathematics assessments)
- Extended time (1.5X)

The IEP requires the implementation of supplementary aids and services:

- Daily - extended wait time for verbal responses, use of word bank to reinforce vocabulary and/or when extended writing is required, writing resources, monitor independent work, repetition of directions, check for understanding, allow use of manipulatives, phonics intervention for writing, math intervention, preferential seating
- Weekly - modifications of math work

The IEP includes goals in math calculation, reading comprehension, written language mechanics, and reading fluency.

The IEP requires:

- five hours per week of special education instruction inside the general education setting to be provided by the special education teacher, general education teacher, and/or instructional assistant
  - five hours per week of special education instruction outside the general education setting to be provided by the special education teacher and/or instructional assistant.
4. On February 27, 2025, the CCPS speech-language pathologist completed an assessment of progress. The assessment of progress form reflects the purpose was "to/review/assess progress in the area of speech to make appropriate recommendations." The form reflects the following sources of information were considered:
- Student performance on structured/unstructured communication tasks
  - Academic and special education records
  - Speech therapy notes
  - Teacher information and/or review

Based on the review, the SLP recommended dismissal from fluency services.

5. There is no documentation that the student has needs that are not addressed by the IEP.
6. There is documentation that the student was not provided with instruction as required by the IEP from August 26, 2024, through September 16, 2024.
7. There is documentation that the student was provided with instruction as required by the IEP since September 16, 2024.
8. The PWN generated following the IEP team meeting on February 27, 2025, reflects:
  - The complainant disagreed with the compensatory services discussion and requested 13 missed sessions be made up after school hours, with transportation provided. The student's interventions did not begin on the first day of school.
  - The school-based team reviewed the student's academic progress. The school-based team shared that the student has mastered her phonics goals, with additional goals added to address deficits. In fluency, she achieved 80% accuracy on 3rd-grade word lists. The team reported the student is making incremental progress. When modeled and prompted by a teacher, the student averaged 80% accuracy on math concepts. The school-based team also reported that the intervention data indicates no detrimental impact or skill loss in reading or math.
  - The IEP team offered compensatory services for six missed sessions, noting no detrimental impact based on the data.
  - The speech-language pathologist's shared the student's success, in meeting all her speech goals. The observed stuttering dysfluency was deemed "non-concerning." The dismissal from speech services was proposed and agreed upon by the complainant.

## **CONCLUSIONS:**

### **IEP Development**

Based on Findings of Fact #2 and #3, MSDE finds that the CCPS has developed an IEP that addresses the student's identified reading, writing, and math, needs since March 13, 2024, in accordance with 34 CFR §§ 300.101, .323 and .324. Therefore, MSDE does not find a violation.

### **IEP Implementation**

Based on Findings of Fact #2, #3, #6, and #7, MSDE finds that the CCPS has not consistently implemented an IEP that addresses the student's identified reading, writing, and math, needs since March 13, 2024, in accordance with 34 CFR §§ 300.101, .323 and .324. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Finding of Fact #8, MSDE finds that the PWN also reflects the school-based team's proposed compensatory services to address the delay in implementation of the IEP. Therefore, no additional student corrective action is required.

## **TIMELINE:**

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. Request for reconsideration should be sent directly to Tracy Givens, Section Chief, Dispute Resolution at [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 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 Special Education

ALH/ra

c: Maria Navarro, Superintendent, CCPS  
LeWan Jones, Director of Special Education, Compliance, CCPS  
[REDACTED], Principal, [REDACTED] School, CCPS  
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE  
Dr. Brian Morrison, Director, Accountability and Data, MSDE  
Alison Barmat, Director, Family Support and Dispute Resolution Branch, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
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