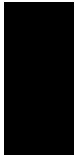


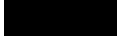


Mohammed Choudhury
State Superintendent of Schools

February 15, 2022




Mr. Philip A. Lynch
Director of Special Education Services
Montgomery County Public Schools
850 Hungerford Drive, Room 225
Rockville, Maryland 20850

RE: 
Reference: #22-074

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

ALLEGATION:

On December 23, 2021, the MSDE received a complaint from Ms. , hereafter, “the complainant,” on behalf of her son, 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) with respect to the above-referenced student.

The MSDE investigated the allegation that the MCPS has not ensured that the student has been provided with the speech and language services required by the Individualized Education Program (IEP) since the start of the 2021 - 2022 school year, in accordance with 34 CFR §§300.101 and .323.

BACKGROUND:

The student is twelve years old and is identified as a student with a Speech or Language Impairment, under the IDEA. He attends ██████████ School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACTS:

1. The student's IEP in effect at the start of the 2021 - 2022 school year requires the provision of speech and language services outside the general education classroom, three times each month for thirty minutes each session.
2. The related service logs, dated between November 22, 2021 and January 25, 2022, reflect that the student received the following speech and language services:
 - November 2021 - thirty minutes
 - December 2021 - thirty minutes
 - January 2022 - two hours and forty-five minutes

CONCLUSION:

Based on the Findings of Facts #1 and #2, the MSDE finds that the student has not been provided with the speech and language services as required by the IEP since the start of the 2021 - 2022 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to the allegation.

CORRECTIVE ACTIONS/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.

The MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that

¹ 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 (1) 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 (1) 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.

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it completes the required actions consistent with the 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. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770.

Student-Specific

The MSDE requires the MCPS to provide documentation by March 31, 2022 that the student is being provided with the amount of speech and language services required by the IEP.

The MSDE also requires the MCPS to provide documentation by March 31, 2022 that the IEP team has convened and determined the amount and nature of compensatory services or other remedy to redress the violation and developed 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.

School-Based

The MSDE requires the MCPS to provide documentation by April 30, 2022 of the steps taken to ensure that the violation does not recur at [REDACTED] School.

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 (15) 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. 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

² The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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investigation, consistent with the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.

Assistant State Superintendent

Division of Early Intervention/Special Education Services

MEF:ac

c: Monifa B. McKnight
Philip A. Lynch
Diana Wyles
Maritza Macias
[REDACTED]
Brian Morrison
Gerald Loiacono
Albert Chichester
Diane Eisenstadt