



Mohammed Choudhury
State Superintendent of Schools

April 6, 2023

Ms. Leslie Seid Margolis
Disability Rights Maryland
1500 Union Avenue, Suite 2000
Baltimore, Maryland 21211

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

RE: [REDACTED]
Reference: #23-131

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 January 24, 2023, MSDE received a complaint from Ms. Leslie Seid Margolis, the “complainant,” on behalf of her client. 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.

MSDE investigated the allegation that the MCPS did not ensure that the decisions regarding compensatory education/recovery services made on February 23¹, 2022 were consistent with the needs of the student, in accordance with 34 CFR §§300.101 and .324.

BACKGROUND:

The student is 21 years old and is identified as a student with multiple disabilities (Emotional Disability, Other Health Impairment) under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

¹ Meeting was held on February 25, 2022.

SUMMARY OF FINDINGS AND CONCLUSIONS

In its written response, the MCPS acknowledges that violations occurred with respect to the allegations and proposes to convene an IEP team meeting to determine the amount of compensatory education/recovery services to remedy the violation. MSDE concurs with the MCPS' conclusions and appreciates the school system's response to the investigation.

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, 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 non-compliance is corrected in a timely manner.² 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 Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.³ Ms. Eisenstadt can be reached at (410) 767-7770 or by email at Diane.Eisenstadt@maryland.gov.

MSDE requires the MCPS to provide documentation by June 30, 2023, that the school system has convened an IEP team meeting to determine the amount and nature of compensatory services or other remedy to redress the violation identified above, and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

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 investigation, consistent with the IDEA. MSDE

² 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, 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.

³ 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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recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DC/sj

c: Monifa B. McKnight
[REDACTED]
Diana K. Wyles
Zvi Greismann
[REDACTED]
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Stephanie James