

June 7, 2024



Ms. Kia Middleton-Murphy
Acting Director of Special Education
Montgomery County Public Schools
850 Hungerford Drive, Room 225
Rockville, Maryland 20850

RE: [REDACTED]
Reference: #24-189

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES), 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 April 9, 2024, the MSDE received a complaint from [REDACTED], hereafter, “the complainants,” on behalf of 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.

MSDE investigated the following allegation that the MCPS did not ensure that the Individualized Education Program (IEP) team considered parent information and concerns at the IEP meeting held on April 14, 2024, in accordance with 34 CFR §300.324.

BACKGROUND:

The student is 17 years old and is identified as a student with Specific Learning Disability under the IDEA. He attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1

ADDRESSING PARENT CONCERNS

Findings of Fact:

1. The IEP team convened on April 14, 2023, to continue the student’s annual review meeting from February 27, 2023. The Prior Written Notice (PWN) dated April 20, 2023, reflects that the IEP team reviewed and revised the student’s IEP and discussed placement. The IEP team considered data from the

[REDACTED], observations, information from current teachers, family input, related service providers, and the team discussion. The IEP team:

- Reviewed the general information page;
- Updated the student's present levels;
- Discussed parent input;
- Updated the student's strengths and interests;
- Discussed and clarified secondary transition services;
- Discussed special considerations;
- Reviewed instructional and assessment accommodations;
- Reviewed supplementary aids and services;
- Discussed Extended School Year (ESY) services;
- Reviewed new IEP goals;
- Discussed services proposed by the school-based team;
- Discussed the least restrictive environment proposed by the school-based team; and
- Discussed the transportation services proposed by the school-based team.

The PWN also reflects that the school-based team "...declined to send the case to the central office IEP team because they believe[d] the IEP [could] be implemented in an inclusion school..." "Every member of the MCPS team spoke and agreed with the services and least restrictive environment." The school system considered the family's concerns regarding placement, the student's "very traumatic life experiences", and that the student is happy at his current school, and that the student is approaching his senior year in high school. During this discussion, the complainant referred to a prior assessment report and asked the other team members, "How many people have read the report and his personal history?" The complainant "requested a poll of members of the IEP team to attest that they had read the entire file on [the student's] known history prior to adoption. The MCPS attorney denied this request stating it was not "appropriate or productive. The team had a comprehensive discussion about the IEP and placement with parental input and [REDACTED] input and made a placement recommendation based upon the data in the least restrictive environment."

The PWN further reflects that all areas of the IEP were agreed to by all members of the IEP team with the exception of placement.

2. There is documentation that the psychological assessment report that the complainant referred to during the April 14, 2023, IEP meeting was conducted and written by the MCPS Office of Student and Family Support and Engagement. The report was written on October 5, 2021.
3. There is no documentation that MCPS has responded to the complainant's concerns regarding whether or not the school-based IEP team members had read the October 2021 psychological report or the student's personal history prior to the April 14, 2023, IEP meeting.

CONCLUSION:

Based on the Findings of Fact #1 through #3, MSDE finds that the MCPS did ensure that the IEP team considered parent information and concerns at the IEP meeting held on April 14, 2024, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation did not occur.

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 (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 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/ebh

c: Dr. Monique Felder, Interim Superintendent, MCPS
Diana K. Wyles, Associate Superintendent, MCPS
Dr. Peggy Pugh, Chief Academic Officer, MCPS
Gerald Loiacono, Supervisor, Resolution and Compliance Unit, MCPS
Maritza Macias, Paralegal, MCPS
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE