

March 13, 2025

[REDACTED]

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

Re: [REDACTED]  
Reference: #25-218

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.

**ALLEGATIONS:**

On January 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 Montgomery County Public School (MCPS) 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 MCPS has not ensured that the student has been provided with transportation services as required by the Individualized Education Program (IEP), in accordance with 34 CFR §§ 300.101 and .323. Specifically, the complainant alleges that the MCPS did not ensure that:
  - a. The student has been consistently provided with special transportation equipment, as required by the IEP on January 16, 2025.
  - b. The student was provided with transportation from school on January 2, 2025.
  - c. The student was provided with timely transportation from school on January 3, 2025, January 10, 2025, and January 14, 2025.
  - d. The student was provided with timely transportation to school on January 14, 2025, and January 15, 2025.
2. The MCPS has not ensured that the student was consistently provided with his augmentative and alternative communication (AAC) when dismissed from school on January 13, 2025, as required by the IEP, in accordance with 34 CFR §§ 300.105 and .323.
3. The MCPS did not follow proper procedures when responding to a parent request for an IEP team meeting on January 15, 2025, in accordance with 34 CFR § 300.324.

**BACKGROUND:**

The student is three years old and is a student with Developmental Delay under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education.

**ALLEGATION #1 and #2**

**PROVISION OF TRANSPORTATION AND PROVISION OF ASSISTIVE TECHNOLOGY**

**FINDINGS OF FACT:**

1. The IEP, in effect on January 2, 2025, was developed on October 30, 2024. The IEP requires transportation as a related service. The IEP requires the following specialized equipment during transportation: child restraint, and bus lift.

The IEP requires Assistive Technology (AT) device(s) and service(s). The IEP reflects AT services are provided through augmentative and alternative communication (AAC) support to ensure that the student is able to access the curriculum. The IEP does not require the AAC device to be taken home by the student.

2. There is no documentation to support the allegation that the student has not been consistently provided with special transportation equipment, as required by the IEP on January 16, 2025.
3. The MCPS staff transportation log reflects:
  - January 2, 2025, a voicemail was left for the complainant at 11:39 AM, informing her that the bus is running late. The complainant called the school-based staff at 11:41 AM and informed her that she will pick the student up.
  - January 3, 2025, the school-based staff sent a text message to the complainant at 11:48 AM that the bus was late. On January 3, 2025, the bus was driven by a substitute bus driver who did not have the student's address. The address was provided by the school-based staff.
  - January 10, 2025, the school-based staff contacted the MCPS bus lot at 11:40 AM. Another school-based staff informed the complainant that the bus will be late.
  - January 14, 2025, the MCPS bus arrived at 11:32 AM and left at 11:37 AM.
  - January 15, 2025, the MCPS bus arrived at 11:34 AM and left at 11:40 AM.
4. There is no documentation that the student's special education instruction and services were impacted as a result of the January 14 and 15, 2025, transportation services

**DISCUSSION AND CONCLUSIONS:**

In this case, the complainant alleges that the student is not being picked up or dismissed from school at the designated time provided by the MCPS transportation office. The IDEA does not address pick up and drop off times specifically. The MCPS is required to ensure that the transportation pick up and dismissal time does not interfere with the student's instruction and the student's ride time is not excessive.

**Provision of Special Transportation Service**

Based on the Findings of Fact #1 and #2, MSDE finds that the MCPS did ensure that the student has been consistently provided with special transportation equipment, as required by the IEP on January 16, 2025, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

### **Provision of Transportation from School**

Based on Findings of Fact #1 and #3, MSDE finds that on January 2, 2025, the MCPS notified the complainant that the bus was having mechanical problems but was unable to provide a specific pick-up time. The complainant elected to pick up the student. As a result, the MCPS was not required to provide transportation services from school on January 2, 2025, as required by the IEP, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

Based on Findings of Fact #1 through #4, MSDE finds that the MCPS has ensured that the student has been provided with timely transportation services on January 3, 2025, and January 10, 2025, as required by the IEP, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

In this case, the complainant alleges that based on the student's dismissal time from school on January 14, 2025, the student did not receive instruction as required by the IEP. The complainant provided documentation regarding transportation times; however, the documentation reflects "yesterday" without a specific date.

Based on Findings of Fact #1, through #4, MSDE finds that the MCPS has ensured that the student has been provided with timely transportation services from school on January 14, 2025, as required by the IEP, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

### **Provision of Timely Transportation Services to School**

Based on Findings of Fact #1 and #4, MSDE finds that the MCPS has ensured that the student has been provided with transportation services to school on January 14, 2025, and January 15, 2025, as required by the IEP, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE does not find a violation.

### **Provision of Assistive Technology**

In this case the complainant alleges that the IEP requires the student's AAC device to be sent home with the student. While the MCPS is encouraged to send the AAC device home with the student, and best practice for student progress suggests that ACC devices are used in all settings to be the most effective, it is not required by the IEP. (See Myths and Facts Surrounding Assistive Technology Devices and Services, USDOE January 2024).

Based on the Finding of Fact #1, MSDE finds that the IEP does not require the AAC device, to be sent home with the student, therefore, the MCPS was not required to send it home on January 13, 2025, in accordance with 34 CFR §§ 300.105 and .323. Therefore, MSDE does not find a violation.

### **ALLEGATION #3**

### **PARENT RESPONSE TO IEP MEETING**

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

5. On January 10, 2025, the complainant emailed the school-based team. The email reflects the email included her availability to meet and that she raised the following concerns:
  - The student was not provided with MCPS transportation.
  - The MCPS bus passed the student's bus stop, and the student arrived home 30 minutes late.
  - On the same day the bus did not depart from the school until 11:53 AM<sup>1</sup>.

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<sup>1</sup> The complainant tracks the student by way of a GPS device.

6. On January 10, 2025, the MCPS Central Office staff emailed the complainant and informed her that she will contact the Office of Transportation to find a resolution.
7. On January 10, 2025, the MCPS proposed to convene on January 14, 2025, at 9:00 AM.

On January 10, 2025, the complainant emailed the MCPS and informed them that she is not available between 9-11 AM on Tuesday.

8. On February 10, 2025, the complainant emailed the school-based team requesting an IEP team meeting. The email reflects the complainant's request was related to an IEP team meeting request made on January 15, 2025.
9. On February 10, 2025, the school-based team emailed the complainant proposing to convene on February 12, 2025, at 10:00 AM or February 19, 2025, at 10:00 AM.
10. On February 11, 2025, the complainant emailed the school-based team and accepted the IEP team meeting proposed for February 19, 2025, at 10 AM.

#### **DISCUSSION AND CONCLUSION:**

The public agency or the parent may request that an IEP team meeting be convened at any time to review a student's program, determine the appropriate services, and discuss the provision of services. If the parent requests a meeting, the public agency must either convene an IEP team meeting or provide the parent with written notice, within a reasonable time, to explain why the agency has determined that conducting the meeting is not necessary to ensure the provision of a free appropriate public education (FAPE) 34 CFR §§ 300.324 and 503.

Based on Findings of Fact #6 through #11, MSDE finds that the MCPS did follow proper procedures when responding to a parent request for an IEP team meeting on February 10, 2025, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

#### **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 why the documentation was not made available during the investigation. Requests for reconsideration must be sent to Tracy Givens, Section Chief, Dispute Resolution Branch, 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.

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 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. Thomas Taylor, Superintendent, MCPS  
Dr. Peggy Pugh, Chief Academic Officer, MCPS  
Diana K. Wyles, Associate Superintendent, Office of Special Education, MCPS  
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Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE  
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