


March 12, 2025




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

Re:   
Reference: #25-222

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 15, 2025, MSDE received a complaint from , 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 did not follow proper procedures when responding to a request for an Individualized Education Program (IEP) team meeting made since January 2024, in accordance with 34 CFR § 300.503.
2. The MCPS has not ensured that the IEP team addressed parental concerns, specifically the impact from bullying incidents that may have required adjustments to the student’s IEP since January 2024<sup>1</sup> school year, in accordance with 34 CFR § 300.324.
3. The MCPS did not ensure that the IEP addresses the student’s identified behavioral and social/emotional needs since January 2024, in accordance with 34 CFR § 300.324.
4. The MCPS did not ensure that the student has been consistently provided with the supplementary aids and services required by the IEP since January 2024, in accordance with 34 CFR §§ 300.101 and .323.

---

<sup>1</sup> The initiation letter included a date that was outside of the one-year window.

5. The MCPS has not ensured that the IDEA evaluation was completed within the required timelines since January 2024, in accordance with 34 CFR § 300.303 and COMAR 13A.05.01.06.
6. The MCPS did not provide prior written notice (PWN) of the IEP team's decisions from the IEP team meetings held since January 2024 in accordance with 34 CFR § 300.503.
7. The MCPS did not ensure the opportunity for parent participation when revising the IEP since January 2024 in accordance with 34 CFR § 300.322.
8. The MCPS did not ensure that accessible copies of each assessment, report, data chart, draft IEP, or other documents that the IEP team planned to discuss at the IEP team meetings since January 2024 were provided at least five business days before each scheduled meeting in accordance with COMAR 13A.05.01.03B(9).

**BACKGROUND:**

The student is 15 years old and is a student with Autism under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1**

**RESPONDING TO A REQUEST FOR AN IEP MEETING**

**FINDINGS OF FACT:**

1. On August 21, 2024, September 1, 2024, and October 30, 2024, the complainant emailed the MCPS school-based staff requesting an IEP team meeting. There is no documentation that MCPS responded to the complainant's August 21, 2024, and September 1, 2024, requests for an IEP team meeting.
2. On October 30, 2024, the MCPS emailed the complainant and proposed to convene on November 6, 2024, November 8, 2024, or November 12, 2024.
3. On October 31, 2024, the MCPS emailed the complainant proposing new dates to ensure staff availability. The email reflects the MCPS proposed to convene on November 25, 2024, or November 26, 2024.
4. On December 20, 2024, the IEP team convened.

**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 free appropriate public education (FAPE) (34 CFR §§ 300.324 and 503).

In this case, the complainant requested an IEP team meeting on August 21, September 1, and October 30, 2024. The MCPS did not respond to the request until October 30, 2024, and the IEP meeting was not convened until December 20, 2024. The MCPS' response to the parent's request was not within a reasonable time and the MCPS did not provide written notice of a refusal meet.

Based on Findings of Fact #1 through #4, MSDE finds that the MCPS did not follow proper procedures when responding to a request for an IEP team meeting made since January 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE finds a violation.

## **ALLEGATION #2**

## **ADDRESSING PARENT CONCERNS**

### **FINDING OF FACT:**

5. There is no documentation to support the complainant's allegation that reports of bullying were provided to the IEP team since January 2024.

### **CONCLUSION:**

Based on Finding of Fact #5, MSDE finds that no reports of bullying were provided to the IEP team since January 2024. Therefore, the MCPS was not required to revise the student's IEP to address bullying in accordance with 34 CFR § 300.324. Therefore, MSDE finds no violation.

## **ALLEGATION #3 and #4**

## **AN IEP THAT ADDRESSES THE STUDENTS SOCIAL-EMOTIONAL NEEDS and PROVISION OF SUPPLEMENTARY AIDS AND SERVICES**

### **FINDINGS OF FACT:**

6. The IEP, in effect in January 2024, was developed on April 14, 2023. The IEP reflects the most recent evaluation date of March 8, 2023. The IEP reflects social emotional/behavioral as an area impacted by the student's disability.

The IEP requires the following supplementary aids and services for social/behavioral supports:

- Daily - Flash pass to counseling or trusted adult, and access to quiet space for decompression
- As needed - Adult support for partner/group choice
- As appropriate/in the moment - Encourage/reinforce appropriate behavior in academic and non-academic settings

The IEP requires the following social/emotional goal: "Given a resource class and fading adult support, [Student] will identify situations that cause him stress or anxiety, self-advocate during those times, and respond in a school-appropriate manner in 4 out of 5 trials as reported by teacher reports/observation by April 2024."

7. The IEP developed on April 29, 2024, reflects social emotional/behavioral as an area impacted by the student's disability.

The IEP requires the following social/behavioral supports and supplementary aids:

- Adult support for partner/group choice – as needed
- Flash pass to counseling or trusted adult - as needed

- Encourage/reinforce appropriate behavior in academic and non-academic settings- as appropriate/in the moment

The IEP requires the following social/emotional goal: "Given staff support, [Student] will respond in an appropriate social, emotional, and/or behavioral manner when confronted with a situation producing anxiety, frustration, and/or stress throughout school setting."

8. On December 20, 2024, the IEP was amended to require 1- 30-minute session per week outside of the general education setting counseling as a related service.
9. There is documentation that the student has been provided with supplementary aid and services as required by the IEP since January 2024.

### **CONCLUSIONS:**

#### **An IEP That Addresses the Students Social-Emotional Needs**

Based on the Findings of Fact #6 through #8, MSDE finds that the MCPS did ensure that the IEP addresses the student's identified behavioral and social/emotional needs since January 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE finds no violation.

#### **Provision of Supplementary Aids and Services**

Based on the Findings of Fact #6, #7, and #9, MSDE finds that the MCPS did ensure that the student has been consistently provided with the supplementary aids and services required by the IEP since January 2024, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds no violation.

### **ALLEGATION #5**

### **EVALUATION PROCEDURES**

#### **FINDING OF FACT:**

10. The student was evaluated on March 8, 2023. There is no documentation that the complainant requested for the student to be evaluated or that the MCPS recommended that the student be reevaluated at this time.

### **CONCLUSION:**

Based on Findings of Fact #6 and #10, MSDE finds that the MCPS was not required to complete an IDEA evaluation since January 2024, in accordance with 34 CFR § 300.303 and COMAR 13A.05.01.06. Therefore, MSDE finds no violation.

### **ALLEGATION #6**

### **PROVISION of PWN**

#### **FINDING OF FACT:**

11. There is documentation that a PWN was generated following the April 19, 2024, IEP team meeting. The PWN reflects the complainant participated in the IEP team meeting.

There is no documentation that the complainant was provided with the PWN.

12. On January 3, 2025, the MCPS school-based team emailed the following documents to the complainant: PWN, amended IEP, and the MCPS 5-day letter developed following an IEP team meeting on December 20, 2024.

**CONCLUSION:**

Based on Finding of Fact #11, MSDE finds that the MCPS did not provide prior written notice of the IEP team's decisions from the IEP team meeting held on April 19, 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE finds a violation.

Based on Finding of Fact #12, MSDE finds that the MCPS did provide prior written notice of the IEP team's decisions from the IEP team meetings held on December 20, 2024, in accordance with 34 CFR § 300.503. Therefore, MSDE finds no violation.

**ALLEGATION #7**

**PARENT PARTICIPATION IN AN IEP MEETING REVISING AN IEP**

**FINDING OF FACT:**

13. There is no documentation to support the complainant's allegation that the IEP team revised the IEP outside of an IEP team meeting, since January 2024.

**CONCLUSION:**

Based on Finding of Fact #13, MSDE finds that the MCPS did not revise the IEP without the opportunity for parent participation, since January 2024 in accordance with 34 CFR § 300.322. Therefore, MSDE finds no violation.

**ALLEGATION #8**

**PROVISION OF IEP DOCUMENTS BEFORE AN IEP TEAM MEETING**

**FINDINGS OF FACT:**

14. On April 19, 2024, the following documents were emailed to the complainant in preparation for an IEP team meeting on April 29, 2024.
- Copy of the draft IEP,
  - Transition Interview
  - MCPS five-day disclosure notice.
15. On December 13, 2024, the following documents were emailed to the complainant in preparation of an IEP team meeting on December 20, 2024.
- MCPS five-day Disclosure Notices of Documents
  - Draft of IEP amendment
  - Report summaries from teachers

**CONCLUSION:**

Based on Findings of Fact #14 and #15, MSDE finds that the MCPS did ensure that accessible copies of each assessment, report, data chart, draft IEP, or other documents that the IEP team planned to discuss at the IEP team meetings, since January 2024 were provided at least five business days before each scheduled meeting, in accordance with COMAR 13A.05.01.03B(9). Therefore, MSDE finds no violation.

### **CORRECTIVE ACTIONS AND 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 timeframes below to ensure that noncompliance is corrected in a timely manner.<sup>2</sup> 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 Ms. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.<sup>3</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

### **Student-Specific**

MSDE requires the MCPS to provide documentation, by May 1, 2025, that the IEP team has taken the following actions:

- a. Provide the complainant with the PWN developed on April 20, 2024;
- b. That the IEP team has convened and determined whether the violation related responding to an IEP team meeting request and the provision of the PWN, had a negative impact on the student's ability to benefit from the education program. If the IEP team determines that there was a negative impact; it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

The MCPS must ensure that the complainant is provided with prior written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

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

---

<sup>2</sup> 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 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 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.

<sup>3</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

Resolution 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 a 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  
Gerald Loiacono, Supervisor, Resolution and Compliance Unit, MCPS  
[REDACTED], Principal, [REDACTED] School, MCPS  
[REDACTED], Principal, [REDACTED] School, MCPS  
Dr. Paige Bradford, Section Chief, Specialized Instruction, MSDE  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Rabiatu Akinlolu, Complaint Investigator, MSDE