


March 28, 2025




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

RE:   
Reference: #25-255

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 February 10, 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 Schools (MCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) concerning the above-referenced student.

MSDE investigated the allegations that:

1. The MCPS did not ensure the parent was provided with accessible copies of each document the Individualized Education Program (IEP) team planned to discuss at the February 10, 2025, IEP team meeting at least five business days before the scheduled meeting, in accordance with 34 § 300.305(a) and COMAR 13A.05.01.07.
2. The MCPS did not follow proper procedures in determining whether the student was a student with a disability since February 2025, in accordance with 34 §§ 300.301 and .305.

**BACKGROUND:**

The student is 15 years old and is currently undergoing an initial evaluation under the IDEA. The student attends  School.

**FINDINGS OF FACT:**

1. On January 15, 2025, MCPS generated a Notice of IEP team meeting for a meeting on February 10, 2025, to review existing information to determine the need for additional data.
2. On February 7, 2025, via email, the complainant received the student's Educational History completed January 28, 2025, Secondary Teacher Report, and a Parent Questionnaire to complete in preparation for the February 10, 2025, IEP team meeting.

The educational history form did not contain required information regarding the student's "Health Record Review." Additionally, the "Academic Record Review" section did not meet the stated requirements, which specify that it must include a "synthesis of past classroom performance, classroom accommodations, and general test information." Relevant documents, such as report cards, student record cards, and teacher reports, should also be attached as appropriate. There were no documents attached.

The Secondary Teacher Report did not contain information regarding the student's Reading and Writing Measures of Academic Progress (MAP) scores.

3. On February 9, 2025, via email, the complainant requested a revised and complete version of the Secondary Teacher Report, as well as a comprehensive and corrected Educational History. The complainant noted that the current versions of the reports contained significant omissions, inconsistencies, and formatting issues that hindered her ability to effectively advocate for her child.

The email also reflects: "Due to the late delivery of the Educational History document—well outside the mandated five-business-day requirement—and its significant omissions, I respectfully request that the February 10, 2025, meeting be rescheduled to a later date."

4. On February 10, 2025, via email, a member of the IEP attempted to reschedule the IEP meeting with the complainant.
5. On February 14, 2025, MCPS generated a Notice of IEP Team Meeting for a rescheduled meeting to be held on March 4, 2025, to review existing information to determine the need for additional data to complete the evaluation process.
6. On February 27, 2025, the complainant received a revised Education History and Teacher Reports for the meeting scheduled for March 4, 2025. The documents in the email included the student's MAP Reading and Writing test scores, an attendance record for the 2024-2025 school year, report card grades from grades 1-10, high school graduation requirements, State mandated test scores, two Secondary Teacher Reports, and an Educational History form completely filled out.
7. On February 28, 2025, via email, the complainant provided her parent questionnaire to a member of the IEP team.
8. On March 4, 2025, the IEP team convened for a Child Find Referral meeting. The Prior Written Notice (PWN) generated after the IEP meeting reflects that the team proposed additional testing to determine whether the student has an educational disability requiring special education services.

9. During the meeting, the IEP team reviewed teacher reports, grades, private testing provided by the complainant conducted during the summer of 2024, parent input, and the student's educational history. The team also considered adding a Resource class to support executive functioning needs. To further assess the student's reading abilities and executive functioning concerns, the team decided to administer the reading subtests of the Woodcock-Johnson Tests of Achievement, the Gray Oral Reading Test, and the Conners Rating Scales for attentional concerns.

The IEP team also discussed the input from the complainant and advocate, noting that the student has been on medication for ADHD since October 2024. They expressed concerns about his struggles with reading, particularly when faced with too many words on a page, as well as his difficulty completing assignments. Additionally, the complainant and advocate shared that they received teacher reports late, which limited their ability to review the information before the meeting.

10. On March 5, 2025, the complainant signed the Notice and Consent for Assessment for the student to be evaluated in the areas of social, emotional, behavioral, and academic performance. The notice states that the evaluation results would be shared with the complainant no later than 60 days from the date of consent, which is May 4, 2025.

## **CONCLUSIONS:**

### **ALLEGATION #1**

### **PROVISION OF IEP DOCUMENT FIVE DAYS PRIOR TO IEP MEETING**

In this case, the complainant alleges that MCPS did not provide her with comprehensive information that the IEP team intended to use as data to determine whether the student required additional testing for an educational disability. She further asserts that the data provided contained significant omissions, inconsistencies, and formatting issues, which hindered her ability to effectively advocate for the student. Additionally, she alleges that the documentation was provided to her late.

The IDEA mandates that, as part of an initial evaluation, the IEP Team and other qualified professionals must review existing evaluation data on the child. This includes evaluations and information provided by the parents, current classroom-based, local, or state assessments, classroom-based observations, and input from teachers and related service providers to determine if additional data is needed (34 CFR § 300.305). In this case, MCPS initially provided an incomplete educational history that did not meet the statutory requirements. However, on February 27, 2025, MCPS provided additional data that fulfilled the requirements.

Based on Findings of Fact #1 and #2, MSDE finds that the MCPS did not ensure the parent was provided with accessible copies of each document the IEP team planned to discuss at the February 10, 2025, IEP team meeting at least five business days before the scheduled meeting, in accordance with 34 § 300.305(a) and COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

Notwithstanding the violation, based on Findings of Fact #3 and #9, MSDE finds on February 9, 2025, the complainant requested the meeting be rescheduled. On March 4, 2025, the IEP team meeting re-convened. Therefore, no student-specific corrective action is required.

On February 27, 2025, MCPS provided additional data that fulfilled the additional requirements for evaluations. However, the documents were not provided at least five business days before the IEP team meeting.

Based on Findings of Fact #7, #9, and #10, MSDE finds that the MCPS did not ensure the parent was provided with accessible copies of each document the IEP team planned to discuss at the March 4, 2025, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07. Therefore, MSDE finds a violation.

**ALLEGATION #2**                      **PROPER PROCEDURES WHEN IDENTIFYING AND EVALUATING THE STUDENT**

The IEP team must complete the initial evaluation process within sixty days of parental consent for assessments and no more than 90 days from receipt of referral. (COMAR 13A.05.01.06).

To date, the LEA is still within the required timeline for completing the evaluation. MSDE reminds MCPS to be aware of the timeline for completion of the evaluation process, as the delay caused by rescheduling the February 10, 2025, meeting did not extend the timelines. There are still 90 days from the date of the initial referral to complete the process.

Based on Findings of Fact #9 through #12, MSDE finds that the MCPS is still within the timeline for completing the initial evaluation of identifying and evaluating the student to determine if he is a student with a disability requiring special education and related services, since February 2025, in accordance with 34 §§ 300.301 and .305. Therefore, this office finds that the allegation is not ripe for investigation.

**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>1</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, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

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<sup>1</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>2</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.

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### School-based

MSDE requires MCPS to provide documentation by May 30, 2025, that it has ensured that staff at [REDACTED] School is aware of, and complies with, the requirement for the provision of documents at least five days prior to an IEP team meeting as required by COMAR 13A.05.01.07.

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 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/sj

c: Dr. Thomas Taylor, Superintendent, MCPS  
Dr. Peggy Pugh, Chief Academic Officer, MCPS  
Eve Janney, Compliance Specialist, MCPS  
Gerald Loiacono, Supervisor, Resolution and Compliance Unit, MCPS  
Maritza Macias, Paralegal, Resolution and Compliance Unit, MCPS  
[REDACTED], [REDACTED] School, Principal, MCPS  
Alison Barmat, Branch Chief, Dispute Resolution and Family Support, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Stephanie James, Complaint Investigator, MSDE