

April 7, 2025

[REDACTED]

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

RE: [REDACTED]
Reference: #25-260

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 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 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 that the parent was provided with the draft Individualized Education Program (IEP) that the IEP team planned to discuss at the February 13, 2025, IEP meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
2. The MCPS did not ensure that the parent was provided with a copy of the procedural safeguards notice in February 2025, in accordance with 34 CFR § 300.504.

BACKGROUND:

The student is 16 years old and is identified as a student with autism under the IDEA. The student attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. On January 4, 2025, the MCPS generated a Notice of Individualized Education Program (IEP) Team Meeting for an annual IEP meeting scheduled on February 13, 2025, to review, revise the IEP and consider postsecondary goals as well as transition services.
2. On February 10, 2025, via email, the complainant received the student's Meeting Invitation Copy, Draft IEP, and Secondary Teacher Report for the annual IEP meeting scheduled for February 13, 2025. Additionally, the email contained links to The Parental Rights: Maryland Procedural Safeguards, the Parent's Guide to Habilitative Services, the Secondary Transition Guide, A Parent's Guide to Understanding Your IEP Rights and Responsibilities, and the Extended School Year Brochure.
3. There is documentation that when the link to The Parental Rights: Maryland Procedural Safeguards is pressed, it displays the message: "Sorry, the file you have requested does not exist."
4. On February 13, 2025, the complainant's advocate emailed the MCPS administrator to express concern and disappointment regarding the preparations for IEP meeting scheduled for that day.
5. There is no documentation that a meeting occurred on February 13, 2025, and no changes were made to the student's IEP.

CONCLUSIONS:

ALLEGATION #1

PROVISION OF IEP DOCUMENT FIVE DAYS PRIOR TO IEP MEETING

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

Notwithstanding the violation, based on Finding of Fact #5, MSDE finds that an IEP team meeting did not occur on February 13, 2025. Therefore, no further student-specific corrective action is required.

ALLEGATION #2

PROVISION OF PROCEDURAL SAFEGUARDS

Based on Finding of Fact #3, MSDE finds that the MCPS did not ensure that the parent was provided with a copy of the procedural safeguards notice for the annual review meeting scheduled for February 2025, in accordance with 34 CFR § 300.504. Therefore, MSDE finds a 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 manner¹. 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 action². Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

School-Based

MSDE requires the MCPS to provide documentation by June 30, 2025, that it has completed internal monitoring for 20 randomly selected students with IEPs regarding the provision of documents at least 5 days prior to IEP team meetings being convened, as well as provision of a copy of the Procedural Safeguards. Full compliance (100%) is required. If full compliance is not documented, an additional sample will be required on October 30, 2025. MSDE will determine next steps if full compliance is not achieved at that time.

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. 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.

¹ 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.

² MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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
[REDACTED], Principal, [REDACTED] School, MCPS
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, 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