

April 24, 2025

[REDACTED]
[REDACTED]
[REDACTED]

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

RE: [REDACTED]
Reference: #25-298

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 March 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 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 the student has been consistently provided with special transportation equipment, as required by the IEP on February 26, 2025.
2. The MCPS did not ensure the proper procedures were followed when responding to a request to inspect and review the student’s educational record, specifically bus footage from February 26, 2025, in accordance with 34 CFR § 300.613.

BACKGROUND:

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

FINDINGS OF FACT:

1. The IEP, in effect on February 26, 2025, was developed on October 30, 2024. The IEP requires transportation to and from the student's educational placement from November 8, 2024, through October 29, 2025. In addition, the IEP requires transportation specialized equipment including a “child restraint and bus lift for his chair.”

2. On February 26, 2025, the complainant emailed the MCPS. The email reflects the complainant's concerns that the bus lift was inoperable earlier that day and that they were requesting to view the "surveillance footage from the bus".

On February 27, 2025, the MCPS responded to the complainant. The email reflects that "the bus driver manually operated the lift to put [the student] onto the bus" when departing the school for home. The email further reflects that the MCPS staff member was not knowledgeable "to the operation of the lift upon arrival at [the student's] home".

The bus footage demonstrates that the bus lift was operable at the student pick-up and inoperable at the student drop-off.

There is documentation that the complainant viewed the video footage on March 26, 2025.

3. While there is doorbell video footage of the bus's arrival to the student's home on February 26, 2025, the video is unclear as to whether the bus lift was, in fact, inoperable.

DISCUSSION AND CONCLUSIONS:

ALLEGATION #1

PROVISION OF TRANSPORTATION SERVICES

In this case, the complainant alleged that the required bus lift was not operable on February 26, 2025. While the video footage demonstrates that the bus lift was operable at the student pick up, it was not operable at the student drop off.

Based on Findings of Fact #1, #2, and #3, MSDE finds that the MCPS has not ensured that the student has been provided with transportation services as required by the IEP, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation.

ALLEGATION #2

ACCESS TO STUDENT RECORDS

Based on the Finding of Fact #2, MSDE finds that the MCPS did ensure the proper procedures were followed when responding to a request to inspect and review the student's educational record, specifically bus footage from February 26, 2025, in accordance with 34 CFR § 300.613. Therefore, MSDE does not find a violation.

CORRECTIVE ACTIONS AND TIMELINES:

The IDEA requires that State complaint procedures include 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 time frames below to ensure that noncompliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

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, the 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.

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.² 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 1, 2025, of the steps taken to ensure that the bus lift is operable, as required by the student's IEP.

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. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email 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 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/sd

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

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.