

June 27, 2025



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

RE: [REDACTED]  
Reference: #25-211, and #25-308

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Special Education, 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 6, 2025, and March 28, 2025, MSDE received complaints 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 following allegations:

1. The MCPS has not followed proper procedures when determining the student’s educational placement for the 2024-2025 school year, in accordance with 34 CFR §§ 300.114 - .116, .322, and COMAR 13A.05.01.10. Specifically, you allege that the MCPS has not provided you with notice and an opportunity to participate in placement decisions.
2. The MCPS has not followed proper procedures during the pendency of an administrative or judicial proceeding regarding a due process complaint when it did not maintain the student’s current educational placement since March 24, 2025, in accordance with 34 CFR § 300.518. Specifically, you allege that the MCPS violated the “stay put” requirement during a due process proceeding.

**BACKGROUND:**

The student is eight years old and is identified as a student with autism under the IDEA. The student attended [REDACTED] School ([REDACTED]) during the 2024-2025 school year and has been accepted to the [REDACTED] ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

## **FINDINGS OF FACT:**

1. On September 11, 2024, [REDACTED] held a parent conference with the complainant. Notes from the conference reflect the meeting was held to discuss the student's inappropriate behaviors that have "increased since [the beginning] of 2nd grade." The notes reflect that since kindergarten [REDACTED] School [REDACTED] has reported, with supporting data, that [REDACTED] School ([REDACTED]) was not the appropriate placement for the student; however, the complainant "has refused to agree to [the alternate learning outcomes program] ALO services" and the recommended autism program. The notes reflect that the complainant shared "through an interpreter that she is interested in visiting ALO programs and realizes now that she needs to focus on [the student's] behaviors more than his academics."
2. On September 26, 2024, the IEP team at [REDACTED] convened to conduct a re-evaluation planning meeting for the student. The prior written notice (PWN) generated after the meeting is dated October 2, 2024. The PWN reflects that the IEP team reviewed "Current classroom data, IEP data from the previous school year, team review of [the student's] file, and parental feedback" to make its determinations. The IEP team determined that "as part of [the student's] re-evaluation and along with present levels, ongoing concerns with school behaviors, and [the complainant's] concerns with behavior needs, that updated assessments and observations would be completed to determine how to best support [the student] and his current needs." The school-based team expressed previously shared concerns about the student's behavioral needs that were reported at previous IEP meetings, as well as "other special education placement to support [those] needs." The PWN reflects the complainant "continued to point out the needs for a behavior plan, which [the student] has, but refused any other placement options."
3. A "Notice and Consent for Assessment" dated September 26, 2024, reflects the IEP team agreed to assess the student in academic performance, including an observation, and generate status reports for speech-language, occupational therapy (OT), and psychological.
4. There is documentation that the following assessment and status reports were generated on the following dates:
  - Speech-Language Status Report: October 16, 2024
  - Educational Assessment: October 21, 2024
  - Psychological Status Report: October 23, 2024
  - OT Status Report: October 31, 2024.
5. On October 17, 2024, the MCPS emailed the complainant an invitation for an IEP meeting scheduled for October 31, 2024. The meeting invitation reflects that the purpose of the meeting was to review and revise the IEP.
6. On October 31, 2024, the IEP team at [REDACTED] convened to review and revise the student's IEP. The PWN generated after the meeting is dated November 3, 2024. The PWN reflects the IEP team reviewed the "Brigance Educational Assessment Oct. 2024, Psychological Status updated Oct. 2024, OT Status [updated] Oct. 2024, Speech Status [updated] Oct. 2024, [and] IEP present levels" in making its determinations. Based on a review of the data, the school-based team reported that the student was eligible to participate in the ALO program. "The parents participated in completing the ALO document and agreed that the information presented was accurate" but "verbally expressed that they would not be signing in agreement with ALO."

The school-based team proposed to refer the student to the Central Office for an IEP team meeting (CIEP) to “to support the discussion of [the] least restrictive environment as a student who qualifies for ALO service,” but the complainant verbally refused. The school-based team shared that the student’s needs were not being met in his current placement at [REDACTED]; he was not making progress toward achieving his IEP goals and demonstrated safety concerns for himself and the staff. The IEP team recommended that the student receive services through [REDACTED] as an interim placement during the process of a CIEP referral.” The PWN reflects the MCPS reported that the student is “cognitively, academically, and behaviorally impacted, and qualifies as an ALO student. His daily life skills are also significantly delayed. The school [proposed] to refer to CIEP due to not being able to address [the student’s] needs in the [REDACTED] and [the complainant’s] refusal to sign for ALO.” The PWN reflects the complainant disagreed with the ALO placement, but “asked to take the document home.” The complainant also disagreed with the [REDACTED] placement and was given procedural safeguards. There is documentation that an interpreter attended the meeting.

7. The IEP developed on October 31, 2024, reflects [REDACTED] School ([REDACTED]) as the student’s service school.

The least restrictive environment (LRE) required by the IEP is inside general education less than 40% of the school day. “The team considered [the student’s] current placement in the [REDACTED]. The IEP team has found [the student] eligible for the alternate learning outcomes and alternate assessments. The IEP team considered the [REDACTED], which has been the recommendation for [the student] since he attended the [REDACTED] ([REDACTED]). The team discussed [the student’s] lack of progress in the [REDACTED] and the supports available in the [REDACTED] program. [the student] is not accessing curriculum instruction in the [REDACTED]. [the student] is not responding to IEP behavior supports in the [REDACTED] setting. The team identified that [the student] will receive his instruction and services in the [REDACTED] program due to significantly impacting behavior and lack of progress made over multiple years in the [REDACTED] setting. This will be an interim placement while [the student] is referred to CIEP. MCPS has flexibility in its service programs to be able to provide [the student] with curriculum instruction due to parental refusal of ALO while receiving behavioral supports in the [REDACTED] program. Evaluation results, classroom observations, and classroom data conclude that [the student] is impacted in the areas of peer socialization, social/communication skills, adult socialization, social/ emotional reciprocity, behavior rigidity, and attention/ self-regulation. He demonstrates needs with behaviors and sensory sensitivity as well. [The student] requires specialized instruction in a small teacher-student ratio with significant modifications to the general education curriculum to address his needs and make progress with his IEP goals and objectives. The student’s] needs in the areas of early learning, social skills, communication, and fine motor skills impact his participation in typical classroom activities. The IEP team qualified [the student] for the ALO and the alternate assessment. The IEP team recommended that [the student] attend the [REDACTED] program. The parents have until 11-21-24 to consent to the recommendation of the IEP team to participate in the alternate assessments and ALO.”

8. On November 7, 2024, MCPS emailed the complainant a copy of the student’s “active” IEP dated October 31, 2024; a copy of the PWN from the October 31, 2024, IEP meeting; a copy of the student’s October 2024 speech-language status report; a copy of the student’s occupational therapy status report; a copy of the student’s “Brigance IED III Standardized Assessment” report; and a copy of the Appendix A dated October 31, 2024. The email states that Appendix A will go into effect on November 21, 2024, if the complainant “did not return the form signed.”

9. On November 12, 2024, the complainant filed a state complaint for which one requested remedy was to identify an appropriate placement for the student.
10. On November 13, 2024, MCPS staff emailed the complainant sharing that the complainant was called “to offer an intake meeting for [the student] at [REDACTED]...You expressed that you are in disagreement with [the student’s] placement [both verbally and by withholding signatures]. [MCPS] staff offered an IEP meeting on 11/20, but your advocate was not able to attend.” The email reflected that the complainant was informed of her right to due process and how to contact the MCPS Resolution and Compliance Unit (RACU, “otherwise [MCPS] would like to do an intake meeting to better get to know [the student and his family].” The email reflected that the student’s start date at [REDACTED] was November 15, 2024.
11. On November 13, 2024, a “Notice and Consent for Assessment” was generated to determine special education and related services for the student. The notice reflects the student would be assessed in academic performance, communication, functional/adaptive performance, intellection/cognitive functioning, and an observation would be conducted.
12. On November 15, 2024, MCPS staff emailed the parent the “5 Day Before” documents, which included a translated version of the student’s IEP, the October 31, 2024, IEP, and the meeting invitation for the November 25, 2024, IEP team meeting. The email reflects that the November 25, 2024, IEP team meeting would be held at [REDACTED] “even though [it would be the student’s] last day [at [REDACTED]].”
13. On November 22, 2024, the complainant filed a mediation/due process hearing request regarding “the MCPS’ proposed change in placement for [the student] from the [REDACTED] to the [REDACTED] School” and “stay put” concerns.
14. On November 25, 2024, the IEP team reconvened to review and revise the student’s IEP and discuss parental concerns. The PWN generated after this meeting is dated December 1, 2024. The PWN reflects that the IEP team reviewed “parental feedback, IEP present levels, teacher and related service provider input” in making its decisions. The IEP team discussed parent concerns regarding the lack of communication from the school, clarifying the purpose of calls home, and parent concerns regarding work being sent home. The IEP team proposed to add weekly home-school communication to the student’s IEP “to provide parents with current information regarding [the student’s] academics and behavior.” The PWN reflects that an interpreter attended the meeting.
15. On November 25, 2025, the student’s IEP was amended to reflect changes in the student’s LRE. The IEP reflects “The team reviewed [the student’s] current placement in the [REDACTED] and the services provided under [REDACTED]. The IEP team determined that [the student] is eligible for Alternate Learning Outcomes (ALO) and alternate assessments. [The student’s] placement will continue to be in the [REDACTED] School due to the parents ‘having] filed for due process, and the stay put is [REDACTED]. MCPS recommended [the student] receive his services in [REDACTED]. [The student] will remain on grade level outcomes in this service. [The student] will receive specialized instruction in a self-contained special education setting for English Language Arts, Mathematics, Science, Social Studies, Art, Music, PE, and Media. This setting is necessary to provide a smaller student-to-teacher ratio, led by a special educator, to address [the student’s] unique needs. [The student] requires a self-contained setting for academics because he benefits from a highly structured environment where instruction can be individualized to his learning needs. He needs intensive, specialized strategies such as scaffolding, differentiated instruction, and frequent breaks to support his ability to sustain engagement and make progress in the curriculum. This environment also allows for targeted interventions to address skill deficits in core academic areas and

provides the additional time and support needed to process and apply new concepts. Additionally, the self-contained setting helps manage his social, emotional, and behavioral needs while ensuring he has access to the general education curriculum in a way that is meaningful and appropriate for him.”

16. On December 5, 2024, MCPS staff emailed the complainant the documents that were developed at the November 25, 2024, IEP meeting. The documents included the amended November 25, 2024, IEP that reflects the IEP team’s determination that the student is eligible for the ALO program and alternate assessments, the student’s continued placement at [REDACTED] based on the due progress request filed by the complainant, and the student’s provision of services in “[REDACTED].”
17. There is documentation that on December 8, 2024, a “Notice of Individualized Education Program (IEP) Team Meeting” was generated for an IEP meeting scheduled for December 18, 2024. The meeting notice reflects the meeting would be a “Virtual Central Placement Unit” meeting to “review, and, if appropriate, revise the IEP.” Emails regarding the meeting invitation reflect the complainant’s advocate was not available until December 20, 2024.
18. On December 9, 2024, a “Notice of Individual Education Program (IEP) Team Meeting” was generated for a parentally requested meeting at [REDACTED] on December 20, 2024. The parent contact log reflects that on December 19, 2024, the complainant emailed [REDACTED] staff sharing that the meeting would need to be rescheduled due to her advocate’s inability to attend the meeting.
19. On December 16, 2024, the complainant withdrew her first due process complaint.
20. There is documentation that on December 17, 2024, a “Notice of Individualized Education Program (IEP) Team Meeting” was generated for an IEP meeting scheduled for January 8, 2025. The meeting notice reflects the meeting would be a “Virtual Central Placement Unit” meeting to “review, and, if appropriate, revise the IEP.”
21. On December 20, 2024, the complainant filed another mediation/due process request regarding “the MCPS proposed change in placement for [the student] from the [REDACTED] School to the [REDACTED] School.”
22. On January 3, 2025, [REDACTED] sent a letter to the complainant, dated December 20, 2024, informing her that on October 31, 2024, after a “thorough review of teacher reports, assessment information, [the student’s progress on IEP goals and objectives], and other relevant information)” the IEP team at [REDACTED] determined that the student’s IEP could no longer be implemented there. The letter states that the complainant was informed that a CIEP team referral had been made to discuss the student’s services in light of the complainant’s refusal to consent for the student to receive ALO services, and due to the time required to conduct the CIEP process “the IEP team determined that [the student] will receive autism services located at [REDACTED] School,” which had been determined to be the least restrictive environment for the student’s IEP to be implemented during the CIEP process. The letter reflects that despite the complainant’s participation in the IEP team meeting and written notice of the change in placement, the student continued to present at [REDACTED]. The purpose of the letter is reflected as notifying the complainant that [REDACTED] “will not be available for [the student] after January 10, 2025.” The complainant was provided with procedural safeguards.
23. On January 3, 2025, the complainant emailed MCPS staff asking, “If the school has discontinued implementing [the student’s] IEP services. MCPS staff responded in an email the same day sharing that the student’s IEP is not being discontinued and he will continue to receive all of his IEP services.

24. On January 6, 2025, the complainant simultaneously filed a state complaint and a mediation/due process request regarding the student's placement at [REDACTED] and the MCPS' failure to maintain the "stay put" requirement for the student's placement at [REDACTED].
25. There is documentation that the January 8, 2025, the CIEP team meeting was canceled due to snow.
26. On January 10, 2025, [REDACTED] staff emailed the complainant offering to hold an IEP meeting on January 21, 2025. A second email from MCPS staff on the same day provided the parental safeguards notice, parent report, and meeting invitation for the January 21, 2025, IEP meeting.
27. On January 10, 2025, the complainant emailed [REDACTED] staff sharing that her advocate would not be able to attend the January 21, 2025, IEP meeting, and requested additional dates and times.
28. On January 13, 2025, the complainant filed another due process hearing request regarding "the MCPS proposed change in placement for [the student] from the [REDACTED] School to the [REDACTED] School" and "stay put" concerns.
29. On March 3, 2025, the complainant withdrew her second due process hearing request.
30. On March 10, 2025, [REDACTED] sent the complainant a letter stating that on November 3, 2024, the IEP team determined that based upon "a thorough review of teacher reports, assessment information, [the student's] progress on his IEP goals and objectives, and other relevant information," the student's IEP could not be implemented at [REDACTED]. The letter stating that the complainant was informed that the student was placed at [REDACTED] to receive autism services in the least restrictive environment, and "despite [the complainant's] participation in the IEP team meeting and written notification of the change of placement, [the complainant has continued] to send [the student] to [REDACTED]." The purpose of the letter reflects that the complainant that [REDACTED] "[would] not be available to [the student] after March 21, 2025." The letter included a copy of the parental rights and procedural safeguards "should [the complainant] choose to appeal the IEP team's decision." The letter reflects that the complainant should contact the staff member at the listed telephone number if she needed assistance with interpreting "the information in this brochure."
31. On March 22, 2025, the complainant emailed [REDACTED] staff sharing that the student's "current placement should remain in effect until all corrective actions required by MSDE [from a previously filed state complaint] are fully implemented" and that the complainant "[intends] for [the student] to continue attending his current school on Monday, 3/24/2025." The complainant shared that she does not consent to "any changes in his placement at this time" and requested that the student remain in his "current educational setting until the necessary actions are taken."
32. There is documentation that on March 24, 2025, the complainant transported the student to [REDACTED]. The documentation reflects that the complainant was told the student "must go to another school."
33. During the lunch hour on March 24, 2025, [REDACTED] staff emailed the complainant sharing the staff member attempted to call the student's parents with an interpreter, but there was no answer or voicemail option. The email reflects that "transportation for [the student] is not arranged for this afternoon and you will have to pick up at dismissal..."
34. On March 24, 2025, MCPS staff emailed the complainant sharing that the student's educational placement is [REDACTED], and MCPS did not "agree with [the complainant's] assertion that [the student] should remain at [REDACTED] pending the completion of MSDE corrective action." The email reflects "the IEP team at

[REDACTED] is prepared to convene an IEP team meeting to discuss any issues involving [the student], including the state complaint.” The email reflects that the student’s transportation is “to and from [REDACTED]” and asked the complainant to not transport the student to [REDACTED] because “he will not be permitted to participate in instruction there, [and the complainant] will be asked to take [the student] to [REDACTED].”

35. On March 24, 2025, the complainant filed another state complaint against the MCPS regarding the student's placement and “stay put” concerns.
36. On March 25, 2025, the complainant filed another state complaint and mediation request regarding the student’s placement. The mediation request reflects the complainant believed MCPS had not followed proper procedures when determining the student’s placement and that she did not agree with the “current placement recommendation.”
37. In an undated letter written to MCPS staff, the complainant shared that “on March 24 and 25, [the student] was refused entry into his classroom and returned home. As a result, he remained at home on March 26, 27, and 28. He returned to school on April 1, but from April 1 to April 5, there was no school bus service provided, and the complainant had to transport [the student].
38. On March 27, 2025, the complainant emailed MCPS and MSDE staff requesting that MCPS provide “immediate emergency educational services” for the student. The email reflects the student had missed several days of instruction “due to MCPS’ failure to allow him to remain at [REDACTED], which is his current placement under Stay-Put provisions.” The email requested that the student be provided with “immediate home or virtual instruction as an interim measure.”
39. On March 27, 2025, MCPS staff emailed the complainant sharing that the complainant’s request for mediation/due process hearing was received on March 26, 2025, and “prior to that, [the student] was assigned to attend [REDACTED].” The email reflects the complainant’s March 24, 2025, request was premature, and MCPS looked forward to resolving the issues during a virtual meeting on March 31, 2025. Additionally, the email states that “MCPS does not believe that [REDACTED] is the appropriate setting for [the student] and does not believe it is a safe environment for him; however, should [the complainant choose] to bring [the student] to [REDACTED], [MCPS] will not deny him access to his classroom.”
40. There is documentation that on March 28, 2025, MCPS informed the Office of Administrative Hearings (OAH) that it “declines to mediate and will schedule a resolution meeting.”
41. On March 31, 2025, [REDACTED] staff emailed the complainant sharing that the student would be returning to [REDACTED] on April 1, 2025, however, transportation was not “set up” and the complainant would have to pick the student up at the end of the day “until transportation is re-established to [REDACTED].”
42. The parent contact log reflects that on April 2, 2025, the complainant emailed MCPS and [REDACTED] staff sharing that the student was not being provided with transportation, and she had been instructed to “pick him up each day until April 7, 2025.” Among other things, the complainant asked why the student was denied school access on March 24, 2025, and March 25, 2025. The email reflects that the complainant was told that transportation was scheduled to begin on April 7, 2025.
43. On April 4, 2025, [REDACTED] staff emailed the complainant sharing that transportation services would begin on April 7, 2025.

44. The parent contact log reflects that on April 8, 2025, the MCPS emailed the complainant the invitation and parental rights and procedures handbook for “an upcoming IEP meeting” at [REDACTED]. The meeting invitation reflects a scheduled dated of May 5, 2025, to “review, and, if appropriate, revise the IEP.”
45. On April 9, 2025, the complainant emailed [REDACTED] staff sharing that she received an invitation for an IEP team meeting scheduled for May 5, 2025, at [REDACTED]. The email requested clarification as to whether it was a CIEP placement meeting, in addition to requesting the provision of all documents to be reviewed.
46. On April 29, 2025, the complainant withdrew her third mediation/due process request.
47. On May 5, 2025, the IEP team at [REDACTED] convened at parent request. The PWN generated after the meeting reflects the IEP team reviewed “updated assessments and status reports from October 2024, Present levels of performance (classroom assessments, district assessments, IEP goal progress), Therapy logs, Appendix A, and BIP data” in making its determinations. The PWN reflects the MCPS considered three public separate day schools for the student but determined that they were not appropriate. The MCPS also proposed to implement the student’s IEP in a private separate day school, and to “send referrals for the consideration of placement in a more restrictive setting to private separate day schools/nonpublic schools.” It was reported that “the autism services at [REDACTED] are available to the student during the referral process and until a more restrictive setting is identified.” The complainant disagreed with the interim placement at [REDACTED]. The MCPS proposed removing adult support from the student’s IEP “upon acceptance and entry to a private separate day school” and reducing the student’s OT services from 30-minutes weekly to 30-minutes monthly “based on [the student’s] progress and achieving his IEP goals, and a service model change from a discipline-specific goal to support through supplemental aids and services.” The PWN reflects that “following the IEP discussion, [the complainant] did not verbalize disagreement with the OT service model and frequency recommendation.” The school-based team requested “complete translation” throughout the meeting, although the complainant shared that she required only “partial translation.” The school-based team reviewed the student’s current service model and explained that the student is in “a self-contained setting all day except for lunch” when he interacts with his disabled peers. The complainant requested a continuation meeting to allow her to review the IEP for understanding and stated that she “is constantly getting calls to pick [the student] up from school because of his behavior.” The PWN reflects that [REDACTED] staff “redirected” the complainant’s statement, to which the complainant shared that it is true that she has not been called to pick the student up from school since October 2024. “The team clarified that this meeting includes [representatives] from the school-based IEP team and the central office and is in response to the team’s referral for a more restrictive environment. “
48. The IEP developed at the May 5, 2025, IEP meeting reflects updates to the student’s academic and functional areas assessed, IEP goals, and related services. The LRE determination remained inside general education for less than 40% of the school day. “The team considered the following placements: elementary [REDACTED], [REDACTED], Public Separate days schools; Private separate day schools (non-public schools). MCPS will send referrals for the consideration of placement in a more restrictive setting to private separate day schools/nonpublic schools. MCPS determined that the [REDACTED] School are available to [the student] during the referral process and until a more restrictive setting is identified in interim and will begin as soon as transportation is set. [the student] will receive specialized instruction in a self-contained special education setting for English Language Arts, Mathematics, Science, Social Studies, Art, Music, PE, and Media. This setting is necessary to provide a smaller student-to-teacher ratio, led by a special educator, to address [the student]’s unique needs. [The student] requires a self-contained setting for academics because he benefits from a highly structured environment where instruction can be individualized to his learning needs.



He needs intensive, specialized strategies such as scaffolding, differentiated instruction, and frequent breaks to support his ability to sustain engagement and make progress in the curriculum. This environment also allows for targeted interventions to address skill deficits in core academic areas and provides the additional time and support needed to process and apply new concepts. Additionally, the self-contained setting helps manage his social, emotional, and behavioral needs while ensuring he has access to the general education curriculum in a way that is meaningful and appropriate for him. [The student] will participate with non-disabled peers during lunch. However, due to safety concerns, he requires an enclosed setting for recess. Additionally, he may join non-disabled peers in non-academic activities such as school-wide assemblies and other school-wide events when appropriate.”

49. On May 9, 2025, [REDACTED] staff sent the complainant a letter stating that on May 5, 2025, the IEP team determined the student’s IEP can no longer be implemented at [REDACTED]. The letter reflects that after a “thorough review of teacher reports, assessment information, [the student’s] progress on his IEP goals and objectives, and other relevant information” the student’s placement will be at [REDACTED] with autism services. The purpose of the letter was to notify the complainant that [REDACTED] would not be available to the student “after March 13, 2025. The bus will begin transporting [the student] between [the complainant’s home and [REDACTED]] on March 14, 2025, and will no longer transport [the student to [REDACTED]].” The letter reflects that MCPS transportation will contact the student regarding transportation concerns, and the complainant was provided with parent rights, and the procedural safeguard notice should she choose to appeal the IEP team’s decision.
50. There is documentation that on May 20, 2025, the MCPS contacted four separate day schools requesting placement for the student.
51. On June 12, 2025, the student’s IEP was amended to reflect [REDACTED]” as the student’s service school. The LRE of the IEP was updated to reflect the student’s placement in a private separate day school for 32 hours and 30 minutes per week. “The team considered the following placements: [REDACTED] center, [REDACTED], Public Separate days schools; Private separate day schools (non-public schools). MCPS will send referrals for the consideration of placement in a more restrictive setting to private separate day schools/nonpublic schools. MCPS determined that the [REDACTED] [REDACTED] School are available to [the student] during the referral process and until a more restrictive setting is identified in interim and will begin as soon as transportation is set. 6/12/25: [the student] has been accepted to [REDACTED] beginning with ESY on 7/7/25 and continuing to the 2025-26 school year. Services at [REDACTED] continue to be available until the end of the 24-25 school year. [The student] will receive specialized instruction in a self-contained special education setting for his entire school day. This setting is necessary to provide a smaller student-to-teacher ratio, led by a special educator, to address [the student’s] unique needs. [REDACTED] requires the self-contained setting for academics because he benefits from a highly structured environment where instruction can be individualized to his learning needs. He needs intensive, specialized strategies such as scaffolding, differentiated instruction, and frequent breaks to support his ability to sustain engagement and make progress in the curriculum. This environment also allows for targeted interventions to address skill deficits in core academic areas and provides the additional time and support needed to process and apply new concepts. Additionally, the self-contained setting helps manage his social, emotional, and behavioral needs while ensuring he has access to the general education curriculum in a way that is meaningful and appropriate for him. [The student] will not participate with non-disabled peers during the school day.”
52. There is no documentation that reflects the student was denied access to attend [REDACTED] when the complainant presented the student to the school during the “stay put” time frames.

## **DISCUSSIONS AND CONCLUSIONS:**

### **ALLEGATION #1**

### **PLACEMENT DETERMINATION**

In determining the educational placement of a student with a disability, the public agency must ensure that the placement decision is made by the IEP Team. The placement decision must be made in conformity with the least restrictive environment (LRE) provisions, determined at least annually, based on the student's IEP, and as close as possible to the student's home (34 CFR § 300.116 and COMAR 13A.05.01.10(C)(1)).

The public agency is required to take steps to ensure a parent of a student with a disability is present or is afforded the opportunity to attend and participate in IEP team meetings, including notifying the parent of the meeting early enough to ensure that the parent will have an opportunity to attend and scheduling the meeting at a mutually convenient time and place. If the parent cannot attend an IEP team meeting, the public agency must use other methods to ensure participation, including individual or conference telephone calls. There is no requirement that school systems contact the parent prior to scheduling IEP team meetings. Rather, school systems are required to provide the parent with notice of a meeting early enough so that the parent can arrange his or her schedule to attend (34 CFR § 300.322).

In this case, the parent was present at the October 31, 2024, November 25, 2025, and May 5, 2025, IEP meetings where the student's placement was discussed. There is also documentation that an interpreter attended each meeting and provided the complainant with interpretation services. Although the complainant disagreed with the MCPS' decision that the student's placement at [REDACTED] was inappropriate, the school-based team fulfilled its requirement to assess the student, document the supplementary aids and services that had been provided, document the student's behaviors of concern, document the complainant's disagreement, and provide the complainant with the parental safeguards. The complainant utilized this process at least four times during the course of the school year; however, she withdrew her mediation and due process requests prior to the scheduled date for hearings.

Based on Findings of Fact #1 through #52, MSDE finds that the MCPS has followed proper procedures when determining the student's educational placement for the 2024-2025 school year by providing the complainant with notice and an opportunity to participate in placement decisions, in accordance with 34 CFR §§ 300.114 - .116, .322, and COMAR 13A.05.01.10. Therefore, MSDE does not find a violation.

### **ALLEGATION #2**

### **PLACEMENT**

Unless otherwise agreed by the State or local agency and the child's parents, the child must remain in their current educational placement while any administrative or judicial proceeding related to a due process complaint under 34 CFR § 300.507 is pending (34 CFR § 300.518).

In this case, on October 31, 2024, the student's placement was changed; however, the complainant continued to present the student to [REDACTED]. The student remained at [REDACTED] due to the mediation and due process requests that the complainant filed from November 2024 to January 2025. During that time, although [REDACTED] informed the complainant that her son would no longer attend [REDACTED], the student was not forced to attend another school during the pendency of her mediation and due process requests. When the complainant withdrew her mediation and due process request on March 3, 2025, the [REDACTED] was no longer required to maintain the student's placement and informed the complainant that the student must attend [REDACTED]. However, when the complainant presented the student to [REDACTED] on March 24, 2025, there is documentation that reflects the complainant was told there would be no transportation available for the student that afternoon, and the student must be picked up from school. This reflects that the student was again allowed to continue attending [REDACTED] after March 24, 2025. Although the student's placement has been

█ since October 31, 2024, the MCPS has allowed the student to attend █ during the 2024-2025 school year during the pendency of the complainant's mediation and due process requests.

Based on Findings of Fact #32 through #52, MSDE finds that the MCPS has followed proper procedures during the pendency of an administrative or judicial proceeding regarding a due process complaint when it maintained the student's current educational placement since March 24, 2025, in accordance with 34 CFR § 300.518. 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 for why the documentation was not made available during the investigation. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute 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 free appropriate public education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. The 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 Special Education

ALH/ebh

c: Dr. Thomas Taylor, Superintendent, MCPS  
Dr. Peggy Pugh, Chief Academic Officer, MCPS  
Gerald Loiacono, Supervisor, Resolution and Compliance Unit, MCPS  
Maritza Macias, Paralegal, MCPS  
Eve Janney, Compliance Specialist, MCPS  
█, Principal, █ School, MCPS  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
LaShonda Carter, Section Chief, Monitoring and Accountability, MSDE  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Elizabeth B. Hendricks, Complaint Investigator, MSDE