

May 28, 2025



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

RE: [REDACTED]  
Reference: #25-317

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.

**ALLEGATION:**

On March 31, 2025, MSDE received a complaint from [REDACTED] and [REDACTED], hereafter “the complainants,” on behalf of the above-referenced student. In that correspondence, the complainants 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 allegations that the MCPS has not followed proper procedures when determining the student’s educational placement since September 2024, in accordance with 34 CFR 300.114(a)(ii).

**BACKGROUND:**

The student is nine years old and is identified as a student with an Intellectual Disability 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. The student's IEP, effective September 2024, was developed on March 20, 2024, and amended on July 1, 2024. It reflects that math calculation, reading comprehension, reading phonics, and speech-language (expressive and receptive) are areas impacted by the student’s disability. The IEP includes goals that address these areas of concern.

2. The IEP reflects that the student requires:
  - 10 hours a week of special education services inside the general education classroom.
  - Two hours a week of special education services outside the general education classroom.
  - Three hours a month of speech-language as a related service.
3. The July 1, 2024, Least Restrictive Environment (LRE) reflects that the student's needs require the provision of specialized services, academics, and speech-language support outside of the general education classroom setting in the home school model.
4. On December 5, 2024, the IEP team met to review and revise the student's IEP because he had not made sufficient progress on his goals. The Prior Written Notice (PWN) generated after the meeting reflects the student did not make measurable or adequate progress on his IEP goals during the first marking period.

During the meeting, the IEP team used data from MAP assessments, report cards, informal observations, and classroom-based assessments to adjust the student's IEP goals to make them more attainable. The IEP team expressed concern about the student's performance in the third-grade general education setting, noting that he is not making progress and is unable to access the general education curriculum.

The IEP team added a writing goal, implemented interventions for math and reading decoding, included additional supplementary aids such as more modified work and visuals, and increased his hours of service.

The PWN reflects all team members, including the complainants, agreed with the changes made to the student's IEP. They also agreed to collect data during the next marking period and to meet again to review his progress on these goals and services. The student's LRE remained the same.

5. There is documentation that the student has had an excessive number of absences throughout the 2024-2025 school year. The student's last date of attendance was February 28, 2025.
6. On March 6, 2025, the IEP team reconvened to discuss the student's lack of progress on his IEP goals for Marking Period 2, to continue the discussion regarding placement options from the IEP team meeting held on December 5, 2024, and to update the IEP and present levels as appropriate. The PWN reflects the IEP team proposed transferring the student from the Home School Program/general education setting to the [REDACTED] Program<sup>1</sup> due to his lack of progress. The IEP team considered continuing the Home School Model placement, but rejected it because the student showed minimal progress despite interventions and supplementary aids. The proposal was based on a review of the student's educational, psychological, and speech-language assessments, along with academic performance data from MAP, iReady, and classroom assessments.

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<sup>1</sup> [REDACTED] are regional special education services that provide specialized, scaffolded instruction in core academic areas for students in kindergarten through Grade 5 with global academic needs and delays in social and/or behavioral development, and executive functioning.

The IEP team amended the IEP and increased the student's services hours to:

- 22 hours and 20 minutes per week of special education outside the general education setting.
- Nine hours and 15 minutes in general education for specials and social time.
- Three hours per month of speech-language therapy as a related service.

The PWN reflects that the complaint visited the Learning Center<sup>2</sup> but disagreed with the recommendation; the parental rights and process were explained. A member of the IEP team explained the characteristics of both programs to the complainants.

The March 6, 2025, amended IEP Least Restrictive Environment (LRE) statement reflects that the IEP team considered the General Education/Home School Model and [REDACTED] programs, and determined that the student required the [REDACTED]. The [Student] team determined that the student would receive instruction in the [REDACTED] Program, which includes general education opportunities for recess, lunch, and Specials (Art, Music, PE, Media), while receiving specialized services, academics, and speech-language support outside of the general education classroom. He would also participate in school-wide assemblies and non-academic activities with his grade-level, non-disabled peers. The majority of [Student's] instructional day would take place in a self-contained special education setting.

7. On March 24, 2025, an IEP team member contacted the complainant via email and phone call to see if the staff member could answer any questions about the [REDACTED] due to the complainant's hesitancy. The complainant informed the MCPS IEP team member that the student would not attend the [REDACTED].
8. On April 3, 2025, MCPS staff contacted the complainant regarding the student's ongoing attendance concerns. According to the contact log, the MCPS Pupil Personnel Worker (PPW) spoke with the parent, who stated that she was not sending the student back to [REDACTED] due to bullying, disagreement with the IEP team's placement decision, and the fact that the student is currently receiving tutoring at home. MCPS staff discussed the option of homeschooling and emailed the complainant the necessary documentation to initiate enrollment. A follow-up email was sent on April 23, 2025, inquiring about the complainant's intentions regarding homeschool enrollment.
9. On May 9, 2025, MCPS issued a Notice of IEP Team Meeting for a meeting scheduled for May 20, 2025, to address concerns regarding the student's attendance.
10. On May 14, 2025, MCPS issued a Notice of IEP Team Meeting for a meeting scheduled for May 28, 2025, to address concerns regarding the student's attendance.
11. There is documentation that MCPS has made multiple attempts to contact the complainant to arrange an IEP team meeting. The first attempt was made via email, the second via U.S. mail, and the third was a phone call. The purpose of the call was to confirm whether the complainants

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<sup>2</sup> [REDACTED] is located within [REDACTED] School.

intended to attend the IEP meeting scheduled by the [REDACTED] IEP team to address the student's attendance concerns. The contact log reflects that during the call, the complainant stated, "Don't talk to me, and do not call again," before disconnecting.

**CONCLUSION:**

In this case, the complainant alleges that following the March 6, 2025, IEP meeting, the IEP team recommended changing the student's placement to the [REDACTED], and although the complainant requested time to consider the decision, they received an email the next day stating that the new placement would begin immediately. The complainant also alleges that upon reviewing the revised IEP, they noted a lack of supporting data to justify removal from the general education setting, as well as errors in the data and proposed goals. They also expressed concern that necessary supplementary aids and services were not provided prior to the proposed placement change, and that these issues have negatively impacted the student's educational progress and well-being.

The IDEA requires that the public agency ensure that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Further, the IDEA requires that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved (34 CFR §§ 300.114-.116).

In this case, the IEP was reviewed and revised on July 1, 2024, December 5, 2024, and March 6, 2025, in response to a lack of progress, using data such as MAP scores, report cards, observations, and classroom assessments.

The IEP team considered the home school/general education setting but determined it was not appropriate, as the student was not making adequate progress despite interventions and supports. Based on this data, the team recommended placement in the [REDACTED] Program, a more segregated setting, while ensuring continued opportunities for interaction with non-disabled peers during specials, lunch, recess, and assemblies. Although the parent disagreed with the placement, documentation shows that the MCPS made reasonable efforts to involve the family, including providing explanations, arranging a program visit, and issuing Prior Written Notice. Procedural safeguards were followed.

Based on Findings of Fact #1 through #6, MSDE finds that the MCPS has followed proper procedures when determining the student's educational placement since September 2024, in accordance with 34 CFR 300.114(a)(ii). Therefore, MSDE does not find a violation.

**TIMELINE:**

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).

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 Special Education

ALH/sj

c: Dr. Thomas Taylor, Superintendent, MCPS  
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, Director, Dispute Resolution and Family Support, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Dr. Brian Morrison, Director, Accountability and Data, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Stephanie James, Complaint Investigator, MSDE