

May 21, 2025

[REDACTED]  
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[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: #25-319

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 27, 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 following allegation that the MCPS did not follow proper procedures when identifying and evaluating the student to determine if the student is a student with a disability requiring special education and related services since March 2024, in accordance with 34 CFR §§ 300.301-.311 and COMAR 13A.05.01.06.

**BACKGROUND:**

The student is ten years old and is in the eligibility process to determine if she is a student with a disability under the IDEA that requires special education instruction and services. She attends [REDACTED] School.

**FINDINGS OF FACT:**

1. On October 30, 2024, the Education Management Team (EMT) convened to discuss parental concerns. The EMT summary form generated after the meeting reflects that the school team would “schedule a child find meeting to start the special education process.”
2. On December 4, 2025, the IEP team convened to determine if the student is a student with a disability requiring special education and related services. The prior written notice (PWN) generated after the meeting reflects that the IEP team agreed to conduct an initial evaluation including an educational assessment.
3. On December 5, 2025, consent to assess was provided by the complainant to conduct an educational assessment. The complainant provided consent to assess on the same day.
4. The 90-day timeline from the date of referral elapsed on or around January 30, 2025. The sixty-day evaluation timeline from the day of parent consent elapsed on February 3, 2025. Pursuant to Maryland law, the IEP team should have completed the eligibility determination prior to January 30, 2025.
5. There is documentation that February 12, 2025, was a snow day for MCPS.
6. On March 11, 2025, the educational assessment was completed.
7. On March 12, 2025, the IEP team convened to review assessments and determine eligibility. The prior written notice (PWN) generated after the meeting reflects that the IEP team reviewed the educational assessment, a previous psychological assessment, and determined that the student qualified for an “IEP as a student with a Specific Learning Disability (SLD) based on difficulties in reading, math, and writing.”
8. On April 30, 2025, the IEP team convened and developed the student’s initial IEP.

**DISCUSSION AND CONCLUSION:**

The IEP team shall complete an initial evaluation of a student within sixty days of parental consent for assessments and ninety days of the public agency receiving a written referral (34 CFR § 300.301 and COMAR 13A.05.01.06(A)). The timeline for completion of the initial evaluation does not apply if the parent of the student repeatedly fails or refuses to produce the student for assessments or a student enrolls in a different public agency before the completion of the initial evaluation started in the student’s former public agency of enrollment (34 CFR § 300.301 and COMAR 13A.05.01.06(A)).

In this case, the parent gave their consent to assess on December 5, 2024. The educational assessment was completed on March 11, 2025, and the IEP team reviewed it on March 12, 2025.

Based on the Findings of Fact #1 through #7, MSDE finds that the MCPS did not follow proper procedures when identifying and evaluating the student to determine if the student is a student with a disability requiring special education and related services since March 2024, specifically the MCPS did not ensure that the initial assessment was completed within the required timeframe, in accordance with 34 CFR §§ 300.301-.311 and COMAR 13A.05.01.06. Therefore, MSDE finds 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.<sup>1</sup> 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.

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).

#### **Student-Based**

MSDE requires the MCPS to provide documentation by July 25, 2025, that the IEP team has convened and determined the amount and nature of compensatory services or other remedies to redress the evaluation violation and developed a plan for the provision of those services within one year of the date of this Letter of Findings.

#### **School-Based**

MSDE requires the MCPS to provide documentation by July 25, 2025, of the steps it has taken to ensure that the [REDACTED] School staff properly implements the requirements for initial evaluations of the student to determine if the student is a student with a disability requiring special education and related services under the IDEA and COMAR. These steps must include staff development, as well as tools developed to monitor compliance and document the provision of services.

As of the date of this correspondence this Letter of Findings is considered final unless one of the parties requests a reconsideration. Requests for reconsideration must be received by this office within fifteen days of the date that the Letter of Findings is issued. However, 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, or there was a clear mistake of law in the findings. 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. Requests for reconsideration should be sent directly to Tracy Givens, Section Chief, Dispute Resolution at [Tracy.Givens@maryland.gov](mailto:Tracy.Givens@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, 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.

<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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There are no timelines to receive a finding after a request for reconsideration. 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 Special Education

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  
██████████, Principal, ██████████ School, MCPS  
Dr. Brian Morrison, Director, Accountability and Data, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Alison Barmat, Director, 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