


May 29, 2025




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

Re: 
Reference: #25-321

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 March 13, 2025, MSDE received a complaint from , 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 implemented an Individualized Education Program (IEP) that addresses the student's identified needs since August 2024, in accordance with 34 CFR § 300.323. Specifically, you the complainant alleged that:
 - The student has been denied access to a "quiet place," counseling services, and breaks as required by the IEP; and
 - The parent has not received bi-weekly reports as required by the IEP.
2. The MCPS has not ensured that the IEP team addressed the parent's concerns regarding the inclusion of his disagreement with the draft IEP in the prior written notice from the February 2025 IEP team meeting, in accordance with 34 CFR § 300.503.
3. The MCPS has not ensured that IEP team meetings have occurred at a mutually agreed upon time since April 2025, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is 12 years old and is identified as a student with Autism under the IDEA. The student attends [REDACTED] School ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The IEP in effect in August 2024 was developed on February 27, 2024, and amended on June 18, 2024. The IEP reflects the student's primary disability as autism with math problem solving, reading comprehension, speech-language pragmatics, speech-language receptive language, written language expression, self-management, and social interaction skills as areas impacted by the student's disability. The IEP reflects a projected annual review date of February 26, 2025.

The IEP requires the implementation of the following supplementary aids, services, program modifications and supports:

- Daily:
 - Access to quiet space:
 - "[The student] will independently request to use the quiet space to regulate her emotions (using mindfulness strategies (breathing, counting, or sensory base activity) and return to the classroom activity."
 - Movement break:
 - "Allow [the student] a movement break during the day to self-regulate when needed throughout the school community."
- Every 2 Weeks
 - Home-school communication system
 - "Establish a clear and consistent system of communication (progress monitoring) between the case manager, homeroom general educator, and parent, and provide updates on concepts being taught/learned and access to assignments, material, and resources in advance to allow for processing time and preparation for class especially in math so that the parent can support [the student] at home."

The IEP does not include counseling services.¹

2. On September 17, 2024, MCPS staff confirmed receipt of the complainant's email requesting that the student be allowed to leave the last period of the day five minutes early "to get a head start on gathering her things and getting on the bus." MCPS staff agreed to the complainant's request.
3. On September 20, 2024, the complainant emailed MCPS staff regarding an incident that occurred at school where the student requested to use a flash pass "to get water and use the bathroom." The complainant shared that "unnecessary friction" with the teacher led to the student leaving the classroom "on her own, attempting to self-regulate, and ultimately seeking the counselor's office" where she had a "meltdown." The complainant requested that the student's teachers be "briefed" on allow the student to use the flash pass "with minimal questioning," "office staff should be instructed to escort [the student] to the counseling office if [the student] appears distressed," and staff must "maintain their composure

¹ The amendments made to the June 18, 2024, IEP reflect that counseling services were removed from the student's IEP.

when interacting with [the student]." The complainant requested that he be contacted immediately if staff feels unable to manage the student's behavior calmly. The complainant requested that the MCPS Autism team conduct an observation of the student and shared that he would like to "explore the possibility" of conducting a Functional Behavior Analysis.

4. On September 25, 2024, MCPS staff emailed the complainant sharing that the information would be "communicated" with the staff. The email addressed the complainant's concerns regarding staff behavior in response to the student during the incident, and that the school team frequently meets to discuss supports that have been "put in place" for students.
5. On November 11, 2024, the IEP team convened to conduct reevaluation planning for the student. The prior written notice (PWN) generated after the meeting reflects the IEP team "reviewed the MSDE letter of findings. The team also reviewed [the student's] previous assessments, current grades, teacher reports, test scores, teacher reports and teacher and parent input" in making its determinations. The PWN reflects the IEP team proposed to conduct an updated educational, cognitive, speech-language, social-emotional, "adaptive" assessments in addition to a Functional Behavioral Assessment. The IEP team "considered [the complainant's] request for [the student's] least restrictive environment (LRE) placement to be changed to the [redacted] program," and this request was rejected. The PWN reflects "the team agreed to look into changing [the student's] schedule so that she could be in the [redacted] social skills class." The IEP team agreed to "collaborate on a bi-weekly template for teachers to communicate with [the complainant]."

There is documentation that a "Notice and Consent for Assessment" was generated on November 21, 2024, but the complainant did not provide consent to assess the student.

6. On December 1, 2024, MCPS staff emailed the complainant requesting that the complainant review the "authorization for assessments" and sign and return it back to the school if he agreed. The email also included follow-up information from the IEP meeting in which the staff member explained the student would have to be removed from the resource class to be placed in the social skills class due to scheduling conflicts, how the student's "flash pass" would be used, and how the student would be provided with the "breaks" required by the IEP. The email reflects that the school-based team would like to review this information with the student and requested that the complainant attend that conversation. The complainant was provided with information regarding how communication would be provided for progress toward IEP goals, upcoming academic topics, major assignments, assessments, and materials, and social emotional updates. It was shared that social emotional updates would occur utilizing "the log to provide the information for [the complainant] in real time." The email further reflects that staff would ensure communication with the complainant if the student was "having a particularly hard time." The staff member shared that "staff are implementing [the student's] accommodations daily" and would reach out if a "specific concern" arose, i.e., if the student refused an accommodation.
7. On December 2, 2024, the complainant emailed MCPS staff to address the student's enrollment in the social skills class of the [redacted] program. The email reflects that during the November 11, 2024, IEP meeting "there was a clear discussion and an actual decision by the IEP team to enroll [the student] in this class" but the decision was not accurately documented in the PWN. The complainant requested that the PWN be "updated to reflect the team's decision accurately."
8. On December 2, 2024, MCPS staff emailed the complainant sharing that during the IEP meeting the team discussed "[looking] into" how placing the student in the social skills class "would impact her schedule" and to share the proposed change with the complainant as reflected in the PWN with the reference to "look into."

9. On December 3, 2024, MCPS staff emailed the complainant sharing that a plan had been developed to “come up with a schedule change in order to place [the student] in the connection social skills class [as discussed].” The email reflects that the student would need to be removed from the resource class to place her in the social skills class which would allow the student to “start her day with a smaller, self-contained class.” The email reflects that the change would be made once the complainant approved. The email also requests for the complainant to review and sign the “authorization of assessments.”
10. On December 5, 2024, the complainant emailed MCPS staff sharing his agreement with the student starting the social skills class “with [the student] also getting assistance in that class with her IEP goals from the resource teacher assigned to the room.”
11. On December 6, 2024, MCPS staff emailed the complainant sharing that the student’s schedule had been changed and she would start the social skills class on Monday.
12. On December 12, 2024, MCPS staff emailed the complainant sharing “a document with a list of topics, major assignments, any current missing assignments, and [the student’s] current grade for all of [her] classes” for the next two weeks.
13. On December 12, 2024, the complainant emailed MCPS staff sharing that the document “was not sufficient and [did] not meet the requirements of the IEP” because it did not provide the topics to be covered and provided a list of major assessments but not the upcoming assignments.
14. On December 18, 2024, MCPS staff emailed the complainant, sharing that the communication plan that would be put in place to “streamline” the communication between the complainant and the school-based team.
15. On January 2, 2025, the complainant emailed MCPS staff sharing that he had not received the “weekly communication outlined in [the student’s] IEP” except for an email that he had previously received which included an “incomplete” report. The complainant requested to know how the school-based team would “proceed to ensure consistent implementation of the IEP’s communication requirements.”
16. On February 24, 2025, the IEP team reconvened “for [the student’s] re-evaluation determination and annual review meeting.” The PWN generated after the meeting reflects the IEP team reviewed “her current grades, test scores, behavior data, teacher reports, and the external report” in making its decisions. The IEP team proposed that the student continued to qualify for special education services under the code for autism and “considered completing an FBA/BIP [Functional Behavior Assessment/Behavior Intervention Plan] to better target her behavioral needs and determine proper supports.” The IEP team proposed using the outside report, and having a release form signed to allow the school-based team to collaborate with the student’s outside Board-Certified Behavior Analyst (BCBA) when completing the FBA and BIP. The PWN reflects the complainant requested that the student’s BCBA complete the FBA/BIP, and the school team did not agree. The IEP team decided to reconvene to complete the student’s annual review, discuss the student’s reading needs, and discuss adding a resource class back into the student’s schedule.

There is documentation that a “Notice and Consent for Assessment” was generated on February 24, 2025, for an FBA, but the complainant did not provide consent to assess the student.

17. On February 27, 2025, the complainant emailed MCPS staff sharing that an entry in the student's behavior log reflected that she "left for the day at 2:50." The complainant expressed that the student said she was given permission to leave at that time and told the teacher that she was leaving, thus the incident should not be entered into the behavior log as "time away from class." On that same day, MCPS staff emailed the complainant sharing that the staff member thought the agreed upon time was 2:55. The staff member apologized, sharing that she was "new to the situation" and wanted to make sure that the student had time enough to gather her things without having too much "down time" before getting on the bus in an effort to "maximize her time for instruction." The complainant emailed the staff member sharing that the student thought she was permitted to leave early because the staff member saw her leaving, but that the student may have been confused about the time that she could leave. The complainant shared that he would inform the student that she is to leave at 2:55 moving forward. There is no documentation that the complainant requested this entry to be edited or removed from the behavior log.
18. On March 27, 2025, MCPS staff emailed the complainant to explain an incident documented in the student's behavior log where she was out of class for 23 minutes on March 26, 2025.
19. On March 28, 2025, the complainant emailed MCPS staff sharing his concerns regarding how the student's behavior and IEP supports were documented in the student's behavior log on March 26, 2025. The complainant expressed that there were discrepancies between how the staff reported the student's behavior, what supports were requested and utilized, where the student went when she left class due to a painful dental occurrence, and what type of occurrence the incident was logged as, i.e. "Social/Emotional" about a non-school event or situation. The complainant requested that the entry in the behavior log be removed and asked that the school-based team be made aware of the dynamics surrounding the student's behavior that day.
20. On March 28, 2025, MCPS staff emailed the complainant sharing that the requested "log entry" would be removed. The email reflects that the staff member investigated the issue and concluded that the second time the student left the classroom was without permission due to dental pain.
21. On March 31, 2025, the complainant emailed MCPS staff sharing his input from the February 24, 2025, IEP meeting. The email states that the student had been improperly removed from the resource class between November 2024 and "late February 2025," the bi-weekly homeschool communication system had not been properly implemented, and the behavioral data collected by the IEP team was inaccurate. The complainant requested that the behavioral data be "officially invalidated."
22. On April 1, 2025, and April 2, 2025, the complainant sent MCPS staff a "follow-up" email regarding his March 31, 2025, parental input. The emails reflect that the complainant did not receive confirmation that the information was "formally added to the record."
23. On April 2, 2025, MCPS staff emailed the complainant sharing that the parental input had been received and would be uploaded into the Maryland Online IEP system.
24. On April 4, 2025, MCPS staff emailed the complainant sharing documents and data for an IEP team meeting scheduled for April 11, 2025. That same day, the complainant emailed MCPS staff sharing that he would be unable to attend the meeting.
25. On April 6, 2025, MCPS staff emailed the complainant sharing that the IEP meeting would be canceled.

26. On April 7, 2025, MCPS staff emailed the complainant sharing that the continuation of February 24, 2025 IEP meeting would be held on April 22, 2025. The email included the date, time, and video call link for the meeting.
27. On April 7, 2025, the complainant emailed MCPS staff requesting to cancel the April 22, 2025, IEP meeting and instead schedule a "data discussion" for May 14, 2025, after which the team could "coordinate a date for the follow-up [annual review] meeting."
28. On April 8, 2025, the complainant emailed MCPS staff sharing that an incident occurred on March 26, 2025, where the student was recovering from an illness and she experienced a serious dental issue which caused her "overwhelming pain and sensory overload." The complainant shared his concerns regarding the way the student's behavior during the incident was documented in the behavior log. The email shared that on March 28, 2025, an MCPS staff member agreed to remove the behavior log entry regarding the incident, but the complainant had concerns with the investigation of the incident and its conclusion. The complainant shared that he felt the student was not safe at the school and requested an immediate "Change of School Assignment" for the student.
29. On April 8, 2025, the complainant emailed MCPS staff sharing that the parent input had not yet been uploaded into the online system and requesting that the updated PWN with his parent input be sent to him.
30. On April 8, 2025, the complainant emailed MCPS staff asking if the team could hold a "Data IEP Meeting" on May 14, 2025. The email states that the April 22, 2025, IEP meeting was scheduled without the complainant's "input or coordination."
31. On April 11, 2025, the complainant emailed MCPS staff sharing that his parental input from the February 24, 2025, IEP meeting had not been uploaded as stated. The complainant attached a "Complaint from the Public" form sharing that he made the request on April 1, 2025; April 2, 2025; and April 8, 2025.
32. On April 11, 2025, the complaint emailed MCPS staff sharing that he would not be able to attend any IEP meetings, and that MCPS staff scheduled a meeting on April 22, 2025, "without prior coordination or mutual agreement." The email reflects that as of April 11, 2025, the complainant had not received a response to his April 7, 2025, and April 8, 2025, requests to schedule a meeting for May 14, 2025. The complainant attached a "Complaint from the Public" form sharing the same.
33. On April 22, 2025, MCPS staff emailed the complainant sharing that the student was offered to take a break in a quiet space. The student declined to call the complainant and "returned to class a few minutes later."
34. On April 22, 2025, the complainant emailed MCPS staff sharing that he was virtually waiting for the IEP team meeting to begin. Eight minutes later MCPS staff responded to the complainant by email sharing that the complainant requested that the meeting be canceled on April 7, 2025, and on April 8, 2025, the complainant suggested a meeting on May 14, 2025. The email states that staff "is working to coordinate with the team to see if that date works." The email reflects that the complainant will be contacted with the determined date. The complainant responded to the email by sharing that he would also be available on May 15, 2025, and May 16, 2025. MCPS staff thanked the complainant for the information and shared that he would be contacted with a date.

35. On April 25, 2025, the complainant emailed MCPS staff sharing that behavior log incidents on April 25, 2025, and March 10, 2025, had been mischaracterized and were creating “an inaccurate picture that makes these logs an unreliable reflection of [the student’s] actual needs and experiences.” The complainant requested that the entries be corrected or removed.
36. On April 28, 2025, MCPS staff emailed the complainant sharing that the April 25, 2025, and April 10, 2025, incidents (the email reflects that there was no March 10, 2025, log entry) would be removed from the student’s behavior log, and that it would be reiterated with teachers that “the log should only include the amount of time [the student] missed from class as a result of using her strategy.”
37. On April 30, 2025, the complainant emailed MCPS staff requesting that his “unedited” parental input from the February 24, 2025, IEP meeting be included in the PWN from that meeting.
38. On May 2, 2025, MCPS staff emailed the complainant informing him that his parental input “has been entered into the parental input section of the draft IEP for our upcoming IEP meeting scheduled for 5/14/25. The input you provided was not included in the February 24th meeting documents because we received your input over a month after the meeting and the file was already closed.”
39. On May 11, 2025, the complainant emailed MCPS staff requesting that his parental input be removed from the May 14, 2025, draft IEP and instead be “reissued” into the parental input section of the February 24, 2025, IEP meeting PWN.
40. On May 12, 2025, MCPS staff emailed the complainant sharing that MCPS does not agree to make the revisions the complainant requested “because the existing records are neither inaccurate nor are they misleading [and his] input was captured and will be included and considered by the IEP team in subsequent IEP team meetings.” The staff member informed the complainant of his right to appeal against this decision and request a hearing.
41. On May 13, 2024, the complainant emailed MCPS staff sharing why his parent concerns regarding “specific objections and data concerns” should be documented in the PWN, which also included the Family Educational Rights and Privacy Act (FERPA) law considerations.
42. While there is documentation that the MCPS developed the bi-weekly communication for the student, with the exception of the December 12, 2024, email, there is no documentation that the complainant consistently received it.
43. The student’s behavior log reflects that she was consistently provided “breaks” during the school day. The behavior data does not reflect that the student requested a “quiet place,” but the student was afforded the opportunity to go to the counselor’s office.
44. There is documentation that an IEP meeting was scheduled for May 14, 2025.

DISCUSSIONS AND CONCLUSIONS:

ALLEGATION #1

IMPLEMENTATION OF IEP BEHAVIORAL SUPPORTS AND BI-WEEKLY HOME COMMUNICATION

The public agency is required to ensure that the student is provided with the special education and related services required by the IEP (34 CFR § 300.101).

Access To A “Quiet Place,” Counseling Services, and Breaks

In this case, the student’s behavior data reflects that she was provided breaks throughout the school day. The data does not reflect that the student requested a “quiet place” but one was offered. Counseling services are not required by the IEP.

Based on Findings of Fact #1, #3, #16, #32, and #42, MSDE finds that the MCPS has implemented an IEP that allows the student a “quiet place” and breaks since August 2024, in accordance with 34 CFR § 300.323. Therefore, MSDE does not find a violation.

Bi-Weekly Reports

Based on Findings of Fact #1, #5, #6, #12, #13, #14, #15, #20, and #40, MSDE finds that the MCPS has not implemented an IEP that addresses the student’s identified needs by providing the complainant with bi-weekly reports since August 2024, in accordance with 34 CFR § 300.323. Therefore, MSDE finds a violation.

ALLEGATION #2

REQUEST TO AMEND STUDENT RECORDS

Prior Written Notice

The public agency is required to provide the parent of a student with a disability with written notice before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. This notice includes a description of the action proposed or refused, an explanation of the action, a description of each evaluation procedure, assessment, record, or report used as a basis for the decision, a statement that the parents of a student with a disability have protection under the procedural safeguards and the means by which a copy of the description of the safeguards can be obtained, sources for parents to contact to obtain assistance in the understanding the provisions, a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency’s proposal or refusal (34 CFR § 300.503).

There is no requirement to provide the parent of a student with a disability with a verbatim transcript of discussions that occur at the IEP team meeting. Additionally, as explained in the *Analysis of Comments and Changes* to the IDEA, there is nothing that would prohibit the public agency from using the IEP document as part of the prior written notice so long as it has all of the required content (Federal Register, Vol. 71, No. 156, August 14, 2006, p. 46691).

In this case, the parent has requested to have his parental input from the February 24, 2025, IEP meeting “uploaded” into the online IEP system to become a part of the student record. While the school-based team initially agreed to do so, it then expressed that the complainant’s input would be included in the parental input section of the draft of the student’s upcoming IEP. During the course of the investigation, it was discovered that the complainant’s email also included a request to amend the student’s record by invalidating the student’s behavioral log.

Although parental input is allowed to be included in the IEP it is not a required part of the PWN. There is no documentation that the Feb 2025, IEP has been finalized due to the re-scheduling of the IEP team meetings.

Based on Findings of Fact #5, #6, #7, #8, #9, #10, #11, #20, #21, #22, #28, #30, and #36 to #41, MSDE finds that the MCPS was not required to include the parent's input in the PWN but agreed to include it as the parental input in the February 2025 IEP, in accordance with 34 CFR § 300.503. Therefore, MSDE does not find a violation.

Request to Amend the Behavior Log Data

A parent who believes that information in the student's education record is inaccurate or misleading or violates the privacy or other rights of the student may request that the public agency amend the information. Upon receipt of such a request, the public agency must decide, within a reasonable period time of the receipt of the request, whether to amend the information. If the public agency refuses to amend the information, it must inform the parent of the refusal and advise the parent of the right to a hearing to challenge the information (34 CFR §§300.618 and .619).

If the public agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must amend the information and inform the parent in writing. If the public agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it must inform the parent of the right to place a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the public agency in the education record (34 CFR § 300.620).

In this case, the complainant shared that he felt the behavior log data was inaccurate on February 27, 2025, March 28, 2025, March 31, 2025, and April 25, 2025. On March 28, 2025, and April 28, 2025, MCPS staff removed the entries from the behavior log as requested by the complainant. There is no documentation that the complainant requested the February 27, 2025, behavior log entry to be removed. On May 12, 2025, MCPS responded to the complainant's March 31, 2025, request to have the student's behavior log data to be invalidated and provided the complainant with information regarding his right to appeal the decision and request a hearing.

Based on Findings of Fact #2 to #4, #17 to #21, #27, #34, and #35, MSDE finds that the MCPS has ensured that the IEP team addressed the parent's concerns regarding amending entries in the student's behavior log, in accordance with 34 CFR § 300.618. Therefore, MSDE does not find a violation.

ALLEGATION #3

MEETING AT A MUTUALLY AGREED UPON TIME

It is the public agency's (PA) responsibility to take steps to ensure that one or both of the parents are provided the opportunity to participate in the IEP team meeting for a student with a disability. This includes notifying parents of a meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually convenient time. If neither parent can attend the IEP team meeting in person, the PA must use other methods to ensure parent participation, including conferences calls, video meetings, or other methods agreed on by both parties. 34 CFR § 300.322. However, there is no requirement that the PA contact parents prior to scheduling IEP team meetings. Rather, the PA is required to provide parents with notice of a meeting early enough so that the parents can arrange their schedules to attend. Should the parents be unable to attend the meeting, then the PA is required to reschedule the meeting to accommodate the parents or provide other opportunities for the parents to participate in the educational decision-making process. However, MSDE does not agree that the PA is prohibited from convening an IEP team meeting without parent involvement no matter how many dates are offered to the parent. While the parents are equal participants in the IEP process, the PA has the ultimate responsibility for "crafting the IEP" (Letter to Simon OSEP 1987). Accordingly, a public agency may not be bound solely by the parent's wishes with regards to scheduling an IEP team meeting.

In this case, on April 4, 2025, the complainant emailed MCPS staff a request to cancel an IEP meeting scheduled for April 11, 2025. On April 6, 2025, MCPS emailed the complainant sharing that the meeting was canceled. On April 7, 2025, MCPS staff emailed the complainant documents for an IEP meeting scheduled for April 22, 2025. On April 7, 2025, April 8, 2025, and April 11, 2025, the complainant emailed MCPS staff requesting to reschedule the April 22, 2025, meeting for May 14, 2025. While there is no documentation that MCPS staff responded to the complainant's April 7, 2025, April 8, 2025, or April 11, 2025, requests to cancel the April 22, 2025, IEP meeting, there is documentation that the meeting was canceled and rescheduled for May 14, 2025, as the complainant requested.

Based on Findings of Fact #24 to #27, #30, #32 and #34, MSDE finds that the MCPS has ensured that the IEP team meetings have occurred at a mutually agreed upon time since April 2025, in accordance with COMAR 13A.05.01.07. 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 because 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. Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

The MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.² 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 Branch, MSDE, to ensure the effective implementation of the action.³ Ms. Green can be reached at (410) 767-7770 or by email at nicole.green@maryland.gov.

Student-Specific

By August 30, 2025, MSDE requires the MCPS to provide documentation that the school system has:

- Convened an IEP team meeting and determined the amount and nature of compensatory services or other remedies to redress the violation herein and developed a plan for the provision of those services within one year of the date of this Letter of Findings;
- Included the complainant's parental input in the student's 2024-2025 annual IEP; and
- Provided the complainant with the bi-weekly communications as required by the IEP.

² The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects 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.

³ 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 MCPS must ensure that the complainant is provided with written notice of the team's decisions. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

School-Based

MSDE requires the MCPS to provide documentation by August 30, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for including parental input in the student record and the provision of home communications as required by the IEP under the IDEA. These steps must include staff development.

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. Request for reconsideration should be submitted to Tracy Givens, Section Chief, Dispute Resolution, 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.

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 W. 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
[REDACTED], Principal, [REDACTED] School, MCPS
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Dr. Brian Morrison, Branch Director, Accountability and Data, MSDE
Alison Barmat, Director, Family Support and Dispute Resolution, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Elizabeth B. Hendricks, Complaint Investigator, MSDE