

██████████  
PARENT,  
ON BEHALF OF

██████████,  
STUDENT

v.

MONTGOMERY COUNTY PUBLIC  
SCHOOLS

BEFORE DENISE O. SHAFFER,  
AN ADMINISTRATIVE LAW JUDGE  
OF THE MARYLAND OFFICE  
OF ADMINISTRATIVE HEARINGS

OAH No.: MSDE-MONT-OT-25-00773

### **DECISION**

STATEMENT OF THE CASE  
ISSUES  
SUMMARY OF THE EVIDENCE  
FINDINGS OF FACT  
DISCUSSION  
CONCLUSIONS OF LAW  
ORDER

### **STATEMENT OF THE CASE**

On January 10, 2025, ██████████ (Parent), on behalf of her child, ██████████  
██████████ (Student), filed a Due Process Complaint with the Office of Administrative Hearings  
(OAH) requesting a hearing to review the decision concerning the identification of the Student  
by Montgomery County Public Schools (MCPS) as a child with an educational disability under the  
Individuals with Disabilities Education Act (IDEA). *See* 20 U.S.C.A. § 1415(f)(1)(A) 2017);<sup>1</sup>  
4 C.F.R. § 300.511(a) (2023);<sup>2</sup> Md. Code Ann., Educ. § 8-413(d)(1) (Supp. 2024); Code of

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<sup>1</sup> “U.S.C.A.” is an abbreviation for the United States Code Annotated. All citations herein to the U.S.C.A. are to the 2017 bound volume.

<sup>2</sup> “C.F.R.” is an abbreviation for the Code of Federal Regulations. All citations herein to the C.F.R. are to the 2023 bound volume.

Maryland Regulations (COMAR) 13A.05.01.15C(1).

I held a prehearing conference (Conference) in this case on February 6, 2025, through the Webex online videoconferencing platform. COMAR 28.02.01.17. Pamela West, Esquire, represented the Parent. Stacy Reid Swain, Esquire, represented the MCPS. At the Conference, the parties and I discussed the timeframe for issuing this decision.

I advised the parties of the federal forty-five-day timeline for issuing a decision:

The public agency must ensure that not later than 45 days after the expiration of the [30-day resolution] period under § 300.510(b), or the adjusted [resolution] time periods described in § 300.510(c)—

- (1) A final decision is reached in the hearing; and
- (2) A copy of the decision is mailed to each of the parties.

34 C.F.R. § 300.515(a). As indicated, the forty-five-day timeline ordinarily begins to run at the end of a thirty-day resolution period triggered by the filing of a due process complaint.

However, the timeline may begin to run after certain other events occur:

The 45-day timeline for the due process hearing in § 300.515(a) starts the day after one of the following events:

- (1) Both parties agree in writing to waive the resolution meeting;
- (2) After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible; [or]
- (3) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process.

§ 300.510(c).

On January 24, 2025, the parties agreed in writing that no agreement was possible. Therefore, the resolution period ended on January 24, 2025 and the forty-five-

day timeline began to run on January 25, 2025. § 300.510(c)(2). Based on the regulatory timeline, the deadline for filing a decision in this case would be March 10, 2025. §§ 300.510(b)(2), 300.515(a). However, the regulations authorize me to grant a specific extension of time at the request of either party. § 300.515(c).

Much of the Conference involved discussions regarding how to schedule the hearing as soon as possible. The MCPS also stated that it intended to file a dispositive motion.<sup>3</sup> In order to accommodate a Motions schedule, the parties' schedules, and time to prepare and exchange documents in conformity with the five-day disclosure rule, we began looking for dates after the Parent's response to the motion was due (February 21, 2025). I was not available on February 24 and 27 due to previously scheduled matters and the Parent's attorney had conflicts on February 25-26 and March 4, 2025. The MCPS' attorney had a conflict on February 28, 2025.

Based on the stated conflicts, the need to prepare for the hearing, and compliance with the required discovery deadlines, the first day the hearing could begin was March 5, 2025. On March 6 and 7, 2025, partial days were available for all participants, so the hearing was scheduled to continue on those dates. Although the hearing was scheduled to end one work day before the forty-five-day time limit to issue the decision expired, the parties jointly requested that I extend the timeline to allow consideration of evidence and arguments presented by the parties. Accordingly, based on the noted conflicts, the motions schedule and the need to fully consider the evidence presented, I found that there was good cause to extend the regulatory timeframe as requested. *Id.* It was agreed that I would issue a decision within thirty days after the conclusion

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<sup>3</sup> The MCPS did not file such a motion.

of the hearing. The hearing concluded on March 6, 2025; therefore, the decision in this case is due on or before April 4, 2025.<sup>4</sup> As such, this decision is being issued within that timeframe.

I held the hearing on March 5 and 6, 2025. Ms. West represented the Parent. Ms. Reid Swain represented the MCPS.

The applicable procedural law is set out in the federal Procedural Safeguards Due Process Procedures for Parents and Children, the Education Article of the Maryland Code, the contested case provisions of the Administrative Procedure Act, the Maryland State Department of Education's (MSDE) procedural regulations, and the Rules of Procedure of the OAH. 34 C.F.R. §§ 300.500 to 300.537; Educ. § 8-413(e)(1) (2022); Md. Code Ann., State Gov't §§ 10-201 to 10-226 (2021 & Supp. 2024); COMAR 13A.05.01.15C; COMAR 28.02.01.

### **ISSUES**

- (1) Did the MCPS delay in its Child Find obligations and if so, did that delay impede the Student's ability to receive a free and appropriate public education for the 2024-2025 school year?
- (2) If so, are the requested remedies, (1) evaluate the Student for a learning disability and eligibility for special education services during school hours and (2) a non-public placement appropriate?

### **SUMMARY OF THE EVIDENCE**

#### **Exhibits**

I admitted the following exhibits for the Parent:

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|----------|--|
| P. Ex. 1 | Birth Certificate for Student (BATES 0001)                           |
| P. Ex. 2 | August 30, 2024 MCPS New Student Information Form (BATES 0002-0003)  |
| P. Ex. 3 | August 30, 2024 Preschool Child Find Questionnaire (BATES 0004-0005) |

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<sup>4</sup> Thirty days from March 6, 2025, is Saturday, April 5, 2025. Per OAH policy, the decision must be issued on the Friday before a weekend due date.

- P. Ex. 4      September 25, 2024 MCPS Child Find Referral (BATES 0006-0007)
- P. Ex. 5      October 30, 2024 [REDACTED] Screening Results for Student (BATES 0008-0009)
- P. Ex. 6      October 16, 2024 Doctor's Visit Discharge Instructions (BATES 0010-0017)
- P. Ex. 7      October 23, 2023 MCPS Notice of No Assessment Needed Initial Evaluation (BATES 0018-0021)
- P. Ex. 8      December 20, 2024 Request for Due Process Complaint (BATES 0022-0025)
- P. Ex. 9      January 2, 2024 Notice of Pre-K unenrollment (BATES 0026)
- P. Ex. 10     February 6, 2025 MCPS Child Find Referral (BATES 0027-0032)
- P. Ex. 11     February 6, 2025 MCPS Release of Records Authorization (BATES 0033)
- P. Ex. 12     February 6, 2025 MCPS [REDACTED] screening (BATES 0034)
- P. Ex. 13     February 6, 2025 Psychological Evaluation, [REDACTED], [REDACTED] (BATES – 0035-0039)

I admitted the following exhibits for the MCPS:<sup>5</sup>

- MCPS Ex. 1   September 25, 2024 IEP Team Meeting Invitation (BATES 0001-0004)
- MCPS Ex. 2   October 9, 2024 IEP Team Meeting Invitation (BATES 0005-0008)
- MCPS Ex. 3   October 23, 2024 IEP Team Meeting Invitation (BATES 0009-0012)
- MCPS Ex. 4   November 20, 2024 IEP Team Meeting Invitation (BATES 0013-0016)
- MCPS Ex. 5   December 3, 2024 IEP Team Meeting Invitation (BATES 0017-0020)
- MCPS Ex. 6   December 18, 2024 IEP Team Meeting Invitation (BATES 0021-0024)
- MCPS Ex. 7   February 6, 2025 Prior Written Notice (BATES 0025-0026)
- MCPS Ex. 8   October 23, 2024 Prior Written Notice (BATES 0027)
- MCPS Ex. 9   December 19, 2024 Prior Written Notice (BATES 0028-0029)
- MCPS Ex. 10   Attendance Record (2024-2025) (BATES 0030)
- MCPS Ex. 11   December 11, 2024 Office of Curriculum and Instructional Program Communication (BATES 0031)

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<sup>5</sup> The Parties stipulated to the admissibility of the exhibits at the beginning of the hearing. Because [REDACTED] and [REDACTED] did not testify, I did not consider MCPS Exhibits 22 and 25.

MCPS Ex. 12 January 2, 2025 Office of Curriculum and Instructional Program Communication (BATES 0032)

MCPS Ex. 13 January 9, 2025 Student Withdrawal Communication (BATES 0033)

MCPS Ex. 14 August 30, 2024 Preschool Child Find Questionnaire (BATES 0034-0035)

MCPS Ex. 15 September 17, 2024 Prekindergarten Teacher Questionnaire (BATES 0036-0037)

MCPS Ex. 16 September 17, 2024 Prekindergarten Observation (BATES 0038)

MCPS Ex. 17 September 18, 2024 Educational History (BATES 0039)

MCPS Ex. 18 December 18, 2024 Educational Management Team Meeting Sign-in Sheet (BATES 0040)

MCPS Ex. 19 Child Find Letter, undated (BATES 0041)

MCPS Ex. 20 February 6, 2025 Authorization for Release/Exchange of Confidential Information (BATES 0042)

MCPS Ex. 21 January 24, 2025 Five-day Disclosure Notice of Documents Provided to Parent/Guardian for Review at an IEP Meeting (BATES 0043)

MCPS Ex. 22 Resume of [REDACTED] (BATES 0044)

MCPS Ex. 23 Resume of [REDACTED] (BATES 0045-0046)

MCPS Ex. 24 Resume of [REDACTED] (BATES 0047-0049)

MCPS Ex. 25 Resume of [REDACTED] (BATES 0050-0055)

MCPS Ex. 26 Resume of [REDACTED] (BATES 0056-0063)

### Testimony

The Parent testified and presented the testimony of Demarcus Cooper, the Student's father (collectively "Parents"). The MCPS presented the following witnesses:

- [REDACTED], accepted as an expert in Special Education;
- [REDACTED], accepted as an expert in General Education and Early Childhood Education; and
- [REDACTED], accepted as an expert in School Psychology, Pre-K and Head Start.

## **FINDINGS OF FACT**

I find the following facts by a preponderance of the evidence:

1. The Student is four years old and was born in [REDACTED] of 2020. (P. Ex. 1).
2. At the beginning of the 2024-2025 school year, the Student was enrolled in the afternoon session of the Pre-Kindergarten Program (Pre-K) at [REDACTED] [REDACTED] ([REDACTED]). The afternoon session began at 1:20 p.m. and ended at 3:50 p.m. (2 ½ hours per day). (MCPS Ex. 10).
3. On August 30, 2024, the Parent submitted a Child Find Questionnaire to the MCPS Child Find Office requesting that the Student be evaluated to determine if the Student had a disability or developmental delay. (P. Ex. 3) The MCPS Child Find Office handles Child Find referrals for students who are not yet enrolled in MCPS. (Test. [REDACTED]; Test. [REDACTED]). When the Office receives a referral for an enrolled MCPS student, it forwards that referral to the student's school. (*Id.*)
4. Because the Student was enrolled in Pre-K at [REDACTED] in August of 2024, the MCPS Child Find Office forwarded the Parent's referral to [REDACTED], [REDACTED], School Psychologist, and [REDACTED], Program Specialist, Pre-K/Head Start, received the referral on or about September 5, 2024. (Test. [REDACTED]; Test. [REDACTED]).
5. On the Child Find Questionnaire, the Parent set out the following concerns for the Student: "due to parent health condition and sibling history ([REDACTED]) – imitating." The Parent noted that the Student had seasonal allergies, but did not identify any of the over forty "concerns" under the headings of possible delay, speech/language, motor, attention, self-help, socialization or behavior. In the additional information section, the Parent noted "concerned about 'imitating' his brother's behaviors ([REDACTED]), [REDACTED] – [REDACTED] – [REDACTED] – but [REDACTED] – except when he is [REDACTED]." (P. Ex. 3; Test. [REDACTED]).
6. The Pre-K 2024-2025 school year began on September 4, 2024, one week after the school year began for students in kindergarten through twelfth grade. (Test. [REDACTED]).
7. For many four-year-old students, Pre-K is their first encounter with formal schooling. During the first few weeks of the school year, a Pre-K teacher focuses on acclimating the students to the routines and rhythms of the classroom. The focus is "entering the classroom" routines, for example where to hang your coat and where to sit; classroom safety rules; basic social skills to foster playing with peers; and how to get adult attention. Additional goals for the early weeks are to communicate to the students that the classroom is a safe environment and to help them navigate separation from their parents or caregivers. (Test. [REDACTED]).
8. Students entering school for the first time can take three to four weeks to show progress on this school acclimation and students adjust at varying rates. The Pre-K

teacher monitors each student's progress, documenting their growth and noting areas of concern. (Test. █████). Regular attendance during this time of getting used to a new and different environment allows the student to adjust to school and the classroom's expectations. (Test. █████). Sporadic attendance thwarts this acclimation process and prevents the student from settling in and learning the classroom routines. (*Id.*) It also prevents the teacher from collecting information about how the student is adjusting to the school environment. (*Id.*)

9. Once the students settle into the school environment, the Pre-K curriculum introduces math skills, including counting and sorting, and literacy skills, beginning with an "All About Me" unit and starting on letter and sound recognition. (Test. █████).
10. Of the approximately twenty school days in September, the Student was absent for ten days. He arrived on time for the "entering school" routine on only one day, September 17, 2024. He was late on the following days (MCPS Ex. 10):

Date	Time of Arrival
September 6, 2024	3:35 PM
September 9, 2024	2:20 PM
September 11, 2024	3:05 PM
September 16, 2024	2:20 PM
September 18, 2024	2:40 PM
September 19, 2024	2:40 PM
September 20, 2024	2:35 PM
September 24, 2024	2:03 PM
September 26, 2024	2:33 PM

11. In the entire month of October 2024, the Student came to school for only one day, October 8, for a total of thirty minutes. (MCPS Ex. 10).
12. The Student had doctor's appointments on October 16 and 30, 2024. These appointments occurred after school hours. (P. Ex. 6).
13. On October 26, 2024, the Student was involved in an accident while riding a █████ with his mother. (Test. █████, P. Ex. 13). The Student was upset by the accident and experienced █████. (Test. █████). The Parent did not tell anyone at █████ about the accident.



14. In November 2024, the Student came to school for only four days. He did not arrive on time for any day as follows (MCPS Ex. 10):

Date	Time of Arrival
November 8, 2024	2:45 PM
November 11, 2024	2:27 PM
November 21, 2024	2:50 PM
November 22, 2024	3:10 PM

15. In December of 2024, the Student came to school for twelve days. He arrived on time only once on December 18, 2024. He did not arrive on time for the other eleven days as follows (*Id.*):

Date	Time of Arrival
December 2, 2024	1:58 PM
December 3, 2024	2:35 PM
December 4, 2024	2:15 PM
December 6, 2024	2:18 PM
December 9, 2024	2:18 PM
December 10, 2024	2:12 PM
December 11, 2024	2:20 PM
December 13, 2024	3:00 PM
December 16, 2024	3:40 PM
December 17, 2024	3:00 PM
December 20, 2024	3:25 PM

16. On September 11, 2024, [REDACTED], for the Child Find team at [REDACTED], sent each Parent a notice of a meeting scheduled for September 25, 2024 at 12:15 p.m. The in-person meeting was scheduled to take place at [REDACTED], and the notice advised the Parents to contact the school if they wanted to participate virtually. The notice provided [REDACTED] telephone number and informed the Parents that the purpose of the meeting was to “review written referral and/or existing data and information, and, if appropriate, determine eligibility for special education services.” (MCPS Ex. 1). Five days before the meeting, [REDACTED] sent the documents that the team planned to review at the meeting. (Test. [REDACTED]).
17. The Parents did not contact the school before the meeting date. [REDACTED], [REDACTED], [REDACTED] ([REDACTED] Principal), and [REDACTED] (Speech Language Pathologist) were present at the meeting. The Parents did not attend the September 25, 2024 meeting. (MCPS Ex. 1; Test. [REDACTED], [REDACTED]).
18. A member of the school team called the Parent from the September 25, 2024 meeting. The Parent advised that she was home and would not be able to attend the meeting. (Test. [REDACTED]). The [REDACTED] team informed the Parent that the meeting would be rescheduled. (Test. [REDACTED]).

19. On a date not specified in the record, [REDACTED] sent each Parent a notice of a rescheduled meeting for October 9, 2024 at 1:00 p.m. The in-person meeting was scheduled to take place at [REDACTED], and the notice advised the Parents to contact the school if they wanted to participate virtually. The notice again provided [REDACTED] telephone number and informed the Parents that the purpose of the meeting was to “review written referral and/or existing data and information, and, if appropriate, determine eligibility for special education services.” (MCPS Ex. 2).
20. The Parents did not contact the school before the meeting date. [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were present at the meeting. The Parents did not attend the October 9, 2024 meeting. (*Id.*, Test. [REDACTED], [REDACTED]).
21. A member of the school team contacted the Parent from the meeting by telephone. The Parent stated that she was unable to attend. During that phone call, the Parent and the team agreed to reschedule the meeting for October 23, 2024. (Test [REDACTED]).
22. On October 10, 2024, [REDACTED] sent each Parent a notice of a rescheduled meeting for October 23, 2024 at 1:30 p.m. The in-person meeting was scheduled to take place at East SS, and the notice advised the Parents to contact the school if they wanted to participate virtually. The notice provided [REDACTED] telephone number and informed the Parents that the purpose of the meeting was to “review written referral and/or existing data and information, and, if appropriate, determine eligibility for special education services.” (MCPS Ex. 3).
23. The Parents did not contact the school before the meeting date. [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were present at the meeting. The Parents did not attend the October 23, 2024 meeting. (*Id.*, Test. [REDACTED], [REDACTED]).
24. A member of the school team contacted the Parent from the meeting by telephone. The Parent stated that she was unable to attend. (Test. [REDACTED]).
25. At the time of the October 23, 2024 meeting, the Student had been present in his Pre-K classroom for a total of twelve hours and twenty-five minutes spread out over ten days. (MCPS Ex. 10).
26. At this third rescheduled meeting, the team proceeded without the Parent in accordance with MCPS policy and mandatory timelines. (Test. [REDACTED]; Test. [REDACTED]). The team considered three sources of data: (1) a September 17, 2024 Observation Report of [REDACTED] (MCPS Ex. 16), (2) a September 18, 2024 Educational History Form (MCPS Ex. 17), and (3) a September 17, 2024 Prekindergarten Teacher Questionnaire by [REDACTED] (MCPS Ex. 15). (P. Ex. 7).
27. If the Student had attended school on a regular basis, the team would have been able to review additional teacher reports, additional observations, the Student’s work

samples, data on how he was acquiring skills and adapting to the classroom routines and a running record of observations from [REDACTED]. (Test. [REDACTED]; Test. [REDACTED]).

28. If the Parents had attended the meeting, the team would have sought input from the Parents on the Student's developmental history, the Student's strengths and the Parents' concerns. In addition to verbal input, since the Parent had not filled out [REDACTED]'<sup>6</sup> parent questionnaire in advance of a meeting, the school team intended to solicit that information during the meeting to get a better understanding of the Parent's concerns. (Test. [REDACTED]).
29. On October 23, 2024, the MCPS team reviewed the available data and decided that it did not suspect that the Student was a child with a disability or developmental delay who requires the provision of special education services. The team stated that it reached that conclusion because the Student "has not attended school regularly so very little data is available to assess his skills." (P. Ex. 7).
30. The team considered [REDACTED] September 17, 2024 observation of the Student. (MCPS Ex. 15; Test. [REDACTED]). The Student's behaviors during that observation were consistent with a typically developing four-year-old in the first few weeks of a new school experience. (Test. [REDACTED]; Test. [REDACTED]). The Student's behaviors showed that he needed more time to adjust to school routines because he had intermittently attended school. (*Id.*)
31. The team considered [REDACTED] September 17, 2024 teacher questionnaire. (MCPS Ex. 15; Test. [REDACTED]). The concerns noted by [REDACTED] were not atypical for a new four-year-old student at the beginning of the Pre-K year. And some of the concerns related to the Student's sporadic attendance and reflected that his sporadic attendance resulted in him not having yet adjusted to the classroom routines and expectations. (Test. [REDACTED]). Had the Student attended school, [REDACTED] would have been able to intervene if she noted concerns and to monitor the Student's response to her instructions and interventions. (*Id.*). In addition, if the Student had attended school regularly, [REDACTED] would have (1) collected work samples, (2) assessed the Student's understanding of taught concepts, and (3) assembled a running record of observational data. (*Id.*)
32. The team also considered the Student's educational history form. Since the Student had not previously attended school, that form did not provide any insight into the Student's needs. (MCPS Ex. 17)
33. The October 23, 2024 decision was communicated to the Parent through a prior written notice. (*Id.*) The Parent received the document by email. (Test. J [REDACTED]).

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<sup>6</sup> [REDACTED] uses a different parent questionnaire than the Child Find Office. In addition, the questionnaire forwarded from the Child Find Office was incomplete as noted in Finding of Fact # 5. (P. Ex. 2)

34. On a date not specified in the record, the Parent contacted [REDACTED], [REDACTED], and/or the Family Services worker to express her disagreement with the October 23, 2024 decision and to request a meeting. (MCPS. Ex. 9, Test. [REDACTED]).
35. The [REDACTED] team decided to schedule a meeting to allow the Parent the opportunity to provide additional input. (Test. [REDACTED]).
36. On November 7, 2024, [REDACTED] sent each Parent a notice of a meeting scheduled for November 20, 2024 at 2:30 p.m. The in-person meeting was scheduled to take place at [REDACTED], and the notice advised the Parents to contact the school if they wanted to participate virtually. The notice provided [REDACTED] telephone number and informed the Parents that the purpose of the meeting was to “review existing information to determine the need for additional data.” (MCPS Ex. 4).
37. The Parents did not contact the school before the meeting date. [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were present at the meeting. The Parents did not attend the November 20, 2024 meeting. (*Id.*, Test. [REDACTED]).
38. A member of the school team called the Parent from the meeting. The Parent stated that she was not available. The team agreed to reschedule the meeting for December 3, 2024. (Test. [REDACTED]).
39. On November 21, 2024, [REDACTED] sent each Parent a notice of a rescheduled meeting for December 3, 2024 at 2:00 p.m. The in-person meeting was scheduled to take place at [REDACTED], and the notice advised the Parents to contact the school if they wanted to participate virtually. The notice provided [REDACTED] telephone number and informed the Parents that the purpose of the meeting was to “review existing information to determine the need for additional data.” (MCPS Ex. 5).
40. [REDACTED] made several calls to the Parent to remind her of the December 3, 2024 meeting date. (Test. [REDACTED]).
41. The Parents did not contact the school before the meeting date. [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were present at the meeting. The Parents did not attend the December 3, 2024 meeting. (*Id.*, Test. [REDACTED], [REDACTED]).
42. On December 3, 2024, [REDACTED] sent each Parent a notice of a rescheduled meeting for December 18, 2024 at 11:30 a.m. The in-person meeting was scheduled to take place at [REDACTED], and the notice advised the Parents to contact the school if they wanted to participate virtually. The notice provided [REDACTED] telephone number

- and informed the Parents that the purpose of the meeting was to “review existing information to determine the need for additional data.” (MCPS Ex. 6).
43. On December 11, 2024, the MCPS advised the Parent that the Student needed to attend Pre-K regularly to maintain his enrollment in the program. (MCPS Ex. 11).
  44. The Parents attended the December 18, 2024 meeting along with [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], Pre-K school social worker. (MCPS Ex. 18).
  45. At the December 18, 2024 meeting, the Parents were given the opportunity to share additional information. The Parent shared the Student’s frequent illnesses and allergies, her anger with the Student’s teacher for sending him home on the bus when he was sick, and challenges that the family was having with the Social Security Administration. (Test. [REDACTED]). The Parent also stated that she believed the Student had a disability and wanted him to be tested. (*Id.*; Test. J [REDACTED]).
  46. The team considered the information provided by the Parents at the December 18, 2024 meeting and reviewed the October 23, 2024 decision with the Parents, including reviewing the attendance issues and the impact on the team’s ability to collect data, the information that the team considered, and the reason for the October 23, 2024 decision. (Test. [REDACTED]). The Parents expressed their disagreement with the team’s decision and [REDACTED] advised the Parents of the right to a due process hearing and mediation. (Test. [REDACTED], MCPS Ex. 9).
  47. The team issued a prior written notice on December 19, 2024 documenting that the “parent given opportunity to give input” and that “no further action was proposed.” (MCPS Ex. 9).
  48. The team reasonably decided that the Student’s challenges in school during the first four months of the school year, resulted from his lack of exposure to the classroom because it was his first time going to school and because of his sporadic attendance. (Test. [REDACTED], Test. [REDACTED]).
  49. On December 20, 2024, the Parent filed a due process hearing request. (P. Ex. 8).
  50. On January 2, 2025, the MCPS advised the Parent that the Student was unenrolled or withdrawn from Pre-K because of his consistent absenteeism and tardiness. (MCPS Ex. 12).
  51. Once the Student was unenrolled at [REDACTED], on or about January 24, 2025, the Parent again contacted the MCPS’ Child Find Office. (MCPS Ex. 14). Because the Student was no longer enrolled in an MCPS Pre-K, the Child Find Office resumed the Child Find process. The Child Find Office scheduled the initial evaluation meeting for

February 6, 2025. (MCPS Ex. 9). The Parent participated in that meeting, shared detailed concerns with the team concerning the Student's [REDACTED], [REDACTED] and [REDACTED], and signed a release of information. The Parent also advised the team that the Student had been privately evaluated on February 5, 2025 by [REDACTED], [REDACTED] (P. Ex. 13). The Parent communicated [REDACTED] conclusions to the team and authorized the team to review [REDACTED] report. (P. Ex. 10).

52. The February 6, 2025 team determined that there was sufficient data to support the suspicion that the Student was a child with a disability or developmental delay who requires the provision of special education services and that additional assessments were needed. (P. Ex. 10).
53. The IEP process is ongoing, and, at the time of the hearing, the Student was being evaluated but he did not have an IEP. (Test. [REDACTED]).

## **DISCUSSION**

### **Legal Framework**

Under the IDEA, eligible children with disabilities are entitled to a free appropriate public education (FAPE). The IDEA requires that special education and related services be provided to those eligible children and sets forth procedural requirements that state and local educational agencies (LEAs) must follow in order to ensure that the rights of eligible children with disabilities are protected. As such, the IDEA requires states to ensure that “all children residing in the state who are disabled, regardless of the severity of their disability, and who are in need of special education and related services are identified, located and evaluated.” 20 U.S.C.A. § 1412(a)(3). This provision, referred to as the “Child Find” obligation, applies equally to all children, including those who are homeless, highly mobile and migrant, as well as children enrolled in private school. *Id.*; *see also* 34 C.F.R. §§ 300.111, 300.131.

The IDEA defines a “child with a disability” as a child who has been evaluated and identified with one of a number of specific classifications and who, “by reason thereof, needs special education and related services.” 20 U.S.C.A. § 1401; 34 C.F.R. § 300.8(a); COMAR

13A.05.01.03(B)(78). Special education means specially designed instruction which is designed to meet the child’s individual learning needs. 34 C.F.R. § 300.39(a); COMAR

13A.05.01.03(B)(71). Child Find is an “ongoing obligation” that “extends to all “[c]hildren who are suspected of being a child with a disability . . . and in need of special education.” 34 C.F.R. § 300.111(c); COMAR 13A.05.02.04(A)(2)(f). The LEA’s Child Find duty is triggered when it has reason to suspect a child has a disability and needs special education services. 34 C.F.R. § 300.111(c); *see also* 34 C.F.R. § 300.8; COMAR 13A.05.01.03(B)(78).

The Child Find obligation, however, does not mandate that schools “conduct a formal evaluation of every struggling student.” *JaB v. Wilson Cnty. Bd of Educ.*, 61 F.4th 494, 502 (6th Cir. 2023) (quoting *D.K. v. Abington Sch. Dist.*, 696 F.3d 233, 249 (3rd Cir. 2012)); *JM v. Charlotte-Mecklenburg Schools Bd. of Educ.*, 64 F.4th 569, 575 (4th Cir. 2023) (“[T]he child find obligation does not require schools to provide an IEP to any student whose parent believes their child is entitled to one.”). Rather, a Child Find violation may occur when the LEA has “overlooked clear signs of disability and [was] negligent in failing to order testing, or that there was no rational justification for not deciding to evaluate.” *Bd. of Educ. of Fayette Cnty., Ky. v. L.M.*, 478 F.3d 307, 313 (6th Cir. 2007) (quoting *Clay T. v. Walton Cnty. Sch. Dist.*, 952 F. Supp. 817, 823 (M.D. Ga. 1997)); *see also JM v. Charlotte-Mecklenburg*, 64 F.4th at 575. An LEA meets its Child Find duty “by initiating the IDEA-eligibility process.” *JM v. Charlotte-Mecklenburg*, 64 F.4th at 575 (quoting *Durbrow v. Cobb Cnty. Sch. Dist.*, 887 F.3d 1182, 1196 (11th Cir. 2018)).

Consistent with the IDEA, Maryland law permits parents or representatives of the LEA to refer the child for a special education assessment to initiate the eligibility process. *See* 20 U.S.C.A. § 1414(a)(1)(B); 34 C.F.R §300.301(b); COMAR 13A.05.01.04(A)(2)(a). Once a

referral has been made, the IEP team, including the parents, must meet to review existing data and determine if the team suspects the child of being a child with a disability or developmental delay. *See* COMAR 13A.05.01.04. If the IEP team determines that no additional data is required to make an eligibility determination, that there is no data to suspect that the student is a student with a disability, or if the parents disagree with the IEP team’s decision, then the LEA is required to provide the parents with a prior written notice that meets the federal and state requirements. COMAR 13A.05.01.04B(2); *see also* 34 C.F.R. § 300.503; COMAR 13A.05.01.12.

This initial assessment and any subsequent assessments the team determines are necessary, must be completed within 90 days of receiving the referral. COMAR 13A.05.01.06A(1)(b), *see also* 34 C.F.R. § 300.301(c)(1). The timeline may be extended if a Parent “repeatedly fails or refuses to produce the Student for assessments,” but only if the Parent and the LEA “agree to a specific time” to complete the evaluation. COMAR 13A.05.01.06A(2)(a)(i) & .06A(3)(b); *see also* 34 C.F.R. §300.301(d).

An LEA’s failure to meet its Child Find obligation is potentially a procedural violation of the IDEA, but parents may only obtain a remedy if the procedural violation affected the student’s substantive rights. *T.B., Jr. v. Prince George’s Cnty. Bd. of Educ.*, 897 F.3d 566, 571–72 (4th Cir. 2018) (internal citations omitted). Further, the Fourth Circuit has reasoned that:

[T]he child find obligation does not require schools to provide an IEP to any student whose parent believes their child is entitled to one. Rather, when a school district has convened an IEP team and comprehensively evaluated a student’s eligibility for services, and where the State maintains and follows detailed policies to evaluate children needing such services, the child find obligation has been satisfied.

*JM v. Charlotte-Mecklenburg*, 64 F.4th at 575.



Under the IDEA, an administrative law judge (ALJ) may only find that a student with a disability did not receive a FAPE based upon a procedural violation if the procedural inadequacies:

- (I) Impeded the child's right to a FAPE;
- (II) Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or
- (III) Caused a deprivation of educational benefit.

20 U.S.C.A. § 1415(f)(3)(E). An ALJ may order an LEA to comply with procedural requirements under the IDEA if there is an ongoing procedural inadequacy. 20 U.S.C.A. § 1415(f)(3)(E)(iii); *see also* 34 C.F.R. § 300.513; COMAR 13A.05.01.15(C)(3); *T.B. v. Prince George's Cnty.*, 897 F.3d at 572.

The Parent bears the burden of showing that the MCPS violated its Child Find obligation under the IDEA. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 56-58 (2005); 34 C.F.R. § 300.502(b)(2)(i). The standard of proof in this case is a preponderance of the evidence. State Gov't § 10-217 (2021); COMAR 28.02.01.21K(1). To prove an assertion or a claim by a preponderance of the evidence means to show that it is "more likely so than not so" when all the evidence is considered. *Coleman v. Anne Arundel Cnty. Police Dep't*, 369 Md. 108, 125 n.16 (2002).

#### Analysis

For the reasons that follow, I find that the Parent has not met her burden of proof on the first, and threshold, issue presented by her Complaint – whether the MCPS' delayed in its Child Find obligations. In doing so, I reject the Parent's argument that the MCPS incorrectly determined that it did not suspect that the Student was a child with a disability or developmental delay on October 23, 2024 and December 18, 2024. I credit the MCPS' witnesses and evidence

that the observed behaviors of the Student were consistent with a lack of school exposure and not suggestive of a disability or a developmental delay. I also find that any delay in the process was caused by the Parent's repeated failure to attend scheduled meetings. Because I have determined that the MCPS' did not violate its Child Find obligation in the first semester of the Student's pre-K school year, it follows that the appropriate actions of MCPS did not impede the Student's ability to receive a FAPE for the 2024-2025 school year, and that there was no procedural violation requiring a remedy.

The MCPS has a non-compulsory Pre-K Program defined as a "publicly funded program for all eligible 4-year-olds focusing on social/emotional, physical, and cognitive development as described in the Maryland Common Core State Curriculum." COMAR 13A.06.02.02(10).

"School readiness" is defined as "the stage of early development that enables an individual child to engage in and benefit from early learning experiences. . . [and] acknowledges individual approaches toward learning as well as the unique experiences and backgrounds of each child."

*Id.* at .02(12). For a Student attending school for the first time, the transition to the school environment is a primary focus of the Pre-K experience. This is especially true in the first few weeks of school.

██████████ was a credible witness with years of experience in special education, early childhood education and Pre-K. She is dedicated to and knowledgeable about the developmental needs of young children. Her testimony was detailed and coherent. It was also consistent with common sense. She described the range of adjustment behaviors as four-year-olds acclimate to a school environment for the first time. She noted that the first three to four weeks of Pre-K are devoted to this adjustment, which can be a challenging one for some students. Before a four-year-old student can meaningfully engage with the Pre-K curriculum, the Pre-K program allows

them this time to learn the classroom routines, navigate the emotions related to separation from their parents, model ways to initiate and join into play time with their peers, and generally convince children that the school environment is a safe, fun place to be.

The Student had not attended school previously. He arrived at school on time for the transition from home to school only two times in the four months he was enrolled in the [REDACTED] Pre-K Program. He often arrived shortly before school was to be dismissed for the day and he was absent for more days than he was present. As a result of this sporadic attendance, the Student missed out on the adjustment period and never settled into the rhythms of his classroom. The behaviors noted by [REDACTED] and [REDACTED] during their limited time with him were consistent with a typically developing four-year-old with limited exposure to school. I found [REDACTED] testimony that the Student's "barriers" were related to "lack of school exposure," to be persuasive. The testimony of [REDACTED] and [REDACTED] supported [REDACTED]' testimony, and the MCPS exhibits also corroborated her testimony.

[REDACTED] was accepted as an expert in Special Education, and she has significant experience with the Pre-K and early education student population. She managed the Student's Child Find process and applied her expertise to her observation of the Student's behaviors on September 17, 2024, and to the review of [REDACTED] questionnaire. She is familiar with the transition of Pre-K students to the school environment and offered balance and reasons explanations for her conclusions. I credited her testimony and found it persuasive regarding the determination made by the team on October 23 and December 18, 2024. I found particularly compelling her explanation of why a team should not automatically suspect a child has a disability or developmental delay when there is insufficient data. I also found [REDACTED] testimony credible but, because she interacted with the team as a supervisor of an intern rather

than directly, I relied on her expert testimony primarily to understand the MCPS Child Find process, deadlines and requirements.

Although the Parent discounted the impact of the Student's attendance, that background is essential to the evaluation of the issue raised by the Parent in her Complaint. In order to understand the Child Find decision made by MCPS, the crucial context includes that (1) this was the Student's first formal school experience; (2) the team was considering the Student's strengths and needs in the first few weeks of his first school experience; (3) the Student's attended minimally in the first three months and sporadically in December; and (4) the Student only arrived on time on two occasions in four months.

In this context, the team convened on October 23, 2024 to review the information available to it. That information included [REDACTED] September 17, 2024 teacher questionnaire, [REDACTED] observation of the Student on September 17, 2024, and a sparse educational history. At that time, the team had little to no information from the Parent and twelve hours and twenty-five minutes spread out over ten days of interaction with the Student. [REDACTED] and [REDACTED] each testified persuasively that this information led them to conclude that the data did not support a suspicion that the Student had a disability or developmental delay. Rather, their testimony established that the challenges noted in the limited data available were more likely to be the result of lack of school exposure rather than a disability or developmental delay. The testimony and evidence presented by the MCPS at the hearing supported this decision. Therefore, the MCPS offered "a rational justification for not deciding to evaluate" the Student. *Fayette Cnty. v. L.M.*, 478 F.3d at 313.

The Parent argued that the team's recognition of the fact that they had limited data required the team to conclude that further evaluation was necessary. I disagree. Accepting that

argument would be inconsistent with the proposition that the Child Find obligation does not mandate that schools conduct an evaluation of every struggling student. *Cf. JM v. Charlotte-Mecklenburg*, 64 F.4th at 575. It is also inconsistent with the mandate that the Child Find obligation is ongoing. Because the Child Find obligation is ongoing, MCPS is required to reconvene to consider new or additional information when it is received or developed, and to revisit their decision if warranted. The MCPS did exactly that here. First, by reconvening the [REDACTED] team to hear from the Parents on December 18, 2024, and again by reconvening an MCPS Office of Child Find team after the Student stopped attending [REDACTED] in early 2025. The fact that the obligation is ongoing and the MCPS can and did continue its efforts to engage with the Parent to gather information and data after the October 23, 2024 decision shows that the MCPS complied with its ongoing obligation.

Further, the MCPS was required by state and federal law to make a decision on the Parent's August 30, 2024 Child Find referral within ninety days. That ninety-day period includes: (1) the decision on whether the team suspects that the child has a disability or developmental delay, (2) the provision of parental consent for further evaluation, (3) the administration of necessary assessments,<sup>7</sup> (4) a team review of all assessments conducted, and (5) a determination of whether the Student is a student with a disability or developmental delay. COMAR 13A.05.01.06; 34 C.F.R. § 300.301.

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<sup>7</sup> The LEA's evaluation must "use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining" the student's eligibility, educational disability, and the content of the student's IEP. 20 U.S.C.A. § 1414(b)(2)(A); 34 C.F.R. § 300.304(b)(1); COMAR 13A.05.01.05B(2); *see also* 34 C.F.R. §§ 300.15, 300.304-.311; COMAR 13A.05.01.06. Furthermore, the LEA shall "not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child" and must "use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors." 20 U.S.C.A. § 1414(b)(2)(B)-(C); 34 C.F.R. § 300.304(b)(2), (3); COMAR 13A.05.01.05B(3), C.

Here, the inquiry stopped after step one because the team determined that it did not suspect the Student had a disability or developmental delay. ██████ testified that the MCPS policy requires the team to make that step one decision in the first 60 days so that there would be time for the assessments, if warranted, to be completed and the team to reconvene. ██████ testified that the MCPS has a policy to move forward at the third team meeting when a parent has not attended two previous meetings despite receiving the required notices. This policy is consistent with the legal timelines in that it helps move the process forward in a timely fashion. Since the Parent sent the referral on August 30, 2024, the team needed to make that step one decision on or before October 29, 2024. It made the timely decision on October 23, 2024.

The MCPS' evidence established that it timely sent the three notices to the Parent and that the Parent did not attend the meetings on September 25, October 9, and October 23, 2024. Although the Parent testified that she did not receive the notices, I do not find that testimony credible. The notices were sent to both Parents separately using the contact information they provided to the school and the team called the Parent from the September 25 and October 9 meetings to find out why she was unable to attend. During that time, the team advised that they would reschedule the meeting for a time when she could attend. Consequently, I find that the Parents were aware of the meetings and did not attend.

The Parents' decision not to attend the meetings impacted the team's ability to gather additional relevant data. Had the Parent attended the meetings, the team would have asked for input about the Parent's concerns and the Student's developmental history. It would have reviewed the parent questionnaire including the over forty different items specified on that questionnaire. While the law requires the MCPS team to engage in its Child Find duty with or without the Parent's cooperation and input, on the facts of this case, especially since the referral

initially came from the Parent and the MCPS staff had limited involvement with the four-year-old Pre-K Student due to his sporadic attendance, that input would have been essential to the team. Without it, the team made a rational decision based on its limited interaction with the Student and the expertise of the MCPS team on Pre-K students' school adjustment.

Although not directly stated, the Parent's argument implied that the MCPS was responsible for a delay in the Child Find process because it did not fully consider the Parents' input at the December 18, 2024 meeting. The evidence does not support that conclusion. First, once the Parent expressed her disagreement with the team's October 23, 2024 decision that it did not suspect that the Student was a child with a disability or developmental delay, the [REDACTED] team scheduled a meeting to discuss that disagreement with the Parents and again seek their input. As discussed above, the MCPS had an obligation to do this as part of its ongoing Child Find obligation.

The school timely sent three separate notices to the Parent and once again, the Parent did not attend the November 20th or December 3rd meetings. The Parent did attend the December 18, 2024 meeting. The Parent and the MCPS witnesses testified consistently that the Parents had the opportunity at that meeting to discuss their son with the team. The input the Parents provided included a discussion of their son's illness and absences, the Parent's anger with a teacher for sending the Student home sick on the bus, which they asserted traumatized him, and challenges the family was having with the Social Security Administration. The Parents both testified at the hearing, but neither detailed the information they provided to the team at that meeting other than to repeat their request that he be evaluated. [REDACTED] testified convincingly that the input provided by the Parent at that meeting did not provide additional insight for the team into the Student's potential disability or developmental delay. The Parents have the burden of proof in

this case and the evidence they presented did not establish that the information they provided to the team on December 18, 2024, required the team to revise the October 23, 2024 determination that the team did not suspect that the Student was a child with a disability or developmental delay.

Therefore, I find that any delay between October 23, 2024, and December 18, 2024, was the result of the Parents' decision not to attend the two scheduled meetings during that time period. I further find that the evidence does not establish that the input provided by the Parents at the December 18, 2024 meeting required the team to revise its October 23, 2024 decision. On December 18, 2024, the team considered the Parents input and had a rational justification for deciding not to evaluate at that time. *See Fayette Cnty. v. L.M.*, 478 F.3d at 313; *cf. JM v. Charlotte-Mecklenburg*, 64 F.4th at 575.

It is important to emphasize that I am evaluating the "rational justification" provided by the [REDACTED] team, not to evaluate "at that time." *Id.* The phrase "at that time" refers to the October 23, 2024 decision and the December 18, 2024 decision. The Parent produced a February 6, 2025 psychological evaluation from [REDACTED] opining that the Student has a [REDACTED] and a February 6, 2025 determination from the MCPS Office of Child Find that it suspected that the Student has a [REDACTED] or [REDACTED] that required further evaluation. Based on these documents, the Parent asserts that the [REDACTED] team decision on October 23 and December 18, 2024 was objectively incorrect. From that assertion, the Parent argues that the Child Find violation is established. This argument ignores the facts.

The evidence establishes that the Parent participated fully with the MCPS Office of Child Find's process once she initiated it in early 2025. The Parent attended the meeting and provided the MCPS Office of Child Find with information about the Student's developmental milestones,



strengths and weaknesses, and interactions in the home. She signed an authorization to release information from the Student's medical providers and provided the MCPS Office of Child Find team with a private evaluation that included a detailed family history and an assessment of the Student's cognitive development including verbal comprehension, visual spatial reasoning, and working memory based on the administration of the Wechsler Preschool and Primary Scale of Intelligence.

The [REDACTED] team did not have any of this information when it made its decision because the Parent did not meaningfully engage with the Child Find process at [REDACTED] and because the Student rarely attended school. Accepting the Parent's argument would endorse the idea that a parent can manufacture a Child Find violation by "hiding the eight ball" from one team and then cooperate with another team later in the process. To be clear, I do not think that is what this Parent intentionally did. The Parent's lack of engagement with the [REDACTED] team seemed to stem from a distrust of the Student's teacher and the Parent's inability, based on a variety of personal reasons, to attend the team meetings. Yet, the effect was the same. The Parent provided the information any team would need to fully consider the Student's needs to the MCPS Office of Child Find team and did not provide that same information to the [REDACTED] team.

The East SS team's decision was based on the information it had at the time it made the decision on October 23, 2024. The [REDACTED] team honored its ongoing Child Find obligation when it reconvened on December 18, 2024. For the reasons stated above, the evidence established that [REDACTED] team had a rational justification for not deciding to evaluate at that time. The fact that another, better informed, team reached a different conclusion does not negate that rational justification. Rather, it shows that the MCPS understands and is committed to its ongoing Child Find obligation for this Student.

## **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact and Discussion, I conclude as a matter of law that:

- (1) the MCPS did not delay or otherwise fail in its Child Find obligation in the 2024-2025 school year. 20 U.S.C.A § 1412(a)(3); 34 C.F.R. §§ 300.8; 300.111(c) & 300.301; COMAR 13A.05.01.03(B)(78); 13A.05.01.04; 13A.05.01.06A ; 13A.05.02.04(A)(2)(f); *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 56-58 (2005); *JM v. Charlotte-Mecklenburg Schools Bd. of Educ.*, 64 F.4th 569, 575 (4th Cir. 2023); *Bd. of Educ. of Fayette Cnty., Ky. v. L.M.*, 478 F.3d 307, 313 (6th Cir. 2007); and
- (2) the Student's ability to receive a free and appropriate public education for the 2024-2025 school year was not impeded or denied by the MCPS Child Find process. 20 U.S.C.A. § 1415(f)(3)(E); *T.B., Jr. by & through T.B., Sr. v. Prince George's Cnty. Bd. of Educ.*, 897 F.3d 566, 571–72 (4th Cir. 2018); and
- (3) the Parent is not entitled to any remedy.

## **ORDER**

I **ORDER** that the Complaint is **DENIED** and **DISMISSED**.

March 13, 2025  
Date Decision Issued

Denise O. Shaffer  
Administrative Law Judge

DOS/ja  
#216948

## **REVIEW RIGHTS**

A party aggrieved by this final decision may file an appeal within 120 days of the issuance of this decision with the Circuit Court for Baltimore City, if the Student resides in Baltimore City; with the circuit court for the county where the Student resides; or with the United States District Court for the District of Maryland. Md. Code Ann., Educ. § 8-413(j) (2022 & Supp. 2024). A petition may be filed with the appropriate court to waive filing fees and costs on the ground of indigence.

A party appealing this decision must notify the Assistant State Superintendent for Special Education, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, in writing of the filing of the appeal. The written notification must include the case name, docket number, and date of this decision, and the court case name and docket number of the appeal.

The Office of Administrative Hearings is not a party to any review process.

**Copies Mailed and Emailed To:**

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**██████████,**  
**PARENT,**  
**ON BEHALF OF**  
**██████████,**  
**STUDENT**

**BEFORE DENISE O. SHAFFER,**  
**AN ADMINISTRATIVE LAW JUDGE**  
**OF THE MARYLAND OFFICE**  
**OF ADMINISTRATIVE HEARINGS**

**v.**

**MONTGOMERY COUNTY PUBLIC**  
**SCHOOLS**

**OAH No.: MSDE-MONT-OT-25-00773**

**FILE EXHIBIT LIST**

I admitted the following exhibits for the Parents:

- P. Ex. 1      Birth Certificate for Student (BATES 0001)
- P. Ex. 2      August 30, 2024 MCPS New Student Information Form (BATES 0002-0003)
- P. Ex. 3      August 30, 2024 Preschool Child Find Questionnaire (BATES 0004-0005)
- P. Ex. 4      September 25, 2024 MCPS Child Find Referral (BATES 0006-0007)
- P. Ex. 5      October 30, 2024 ██████ Screening Results for Student (BATES 0008-0009)
- P. Ex. 6      October 16, 2024 Doctor's Visit Discharge Instructions (BATES 0010-0017)
- P. Ex. 7      October 23, 2023 MCPS Notice of No Assessment Needed Initial Evaluation (BATES 0018-0021)
- P. Ex. 8      December 20, 2024 Request for Due Process Complaint (BATES 0022-0025)
- P. Ex. 9      January 2, 2024 Notice of Pre-K unenrollment (BATES 0026)
- P. Ex. 10     February 6, 2025 MCPS Child Find Referral (BATES 0027-0032)
- P. Ex. 11     February 6, 2025 MCPS Release of Records Authorization (BATES 0033)
- P. Ex. 12     February 6, 2025 MCPS ██████ screening (BATES 0034)

P. Ex. 13 February 6, 2025 Psychological Evaluation, [REDACTED], [REDACTED] (BATES – 0035-0039)

I admitted the following exhibits for the MCPS:

- MCPS Ex. 1 September 25, 2024 IEP Team Meeting Invitation (BATES 0001-0004)
- MCPS Ex. 2 October 9, 2024 IEP Team Meeting Invitation (BATES 0005-0008)
- MCPS Ex. 3 October 23, 2024 IEP Team Meeting Invitation (BATES 0009-0012)
- MCPS Ex. 4 November 20, 2024 IEP Team Meeting Invitation (BATES 0013-0016)
- MCPS Ex. 5 December 3, 2024 IEP Team Meeting Invitation (BATES 0017-0020)
- MCPS Ex. 6 December 18, 2024 IEP Team Meeting Invitation (BATES 0021-0024)
- MCPS Ex. 7 February 6, 2025 Prior Written Notice (BATES 0025-0026)
- MCPS Ex. 8 October 23, 2024 Prior Written Notice (BATES 0027)
- MCPS Ex. 9 December 19, 2024 Prior Written Notice (BATES 0028-0029)
- MCPS Ex. 10 Attendance Record (2024-2025) (BATES 0030)
- MCPS Ex. 11 December 11, 2024 Office of Curriculum and Instructional Program Communication (BATES 0031)
- MCPS Ex. 12 January 2, 2025 Office of Curriculum and Instructional Program Communication (BATES 0032)
- MCPS Ex. 13 January 9, 2025 Student Withdrawal Communication (BATES 0033)
- MCPS Ex. 14 August 30, 2024 Preschool Child Find Questionnaire (BATES 0034-0035)
- MCPS Ex. 15 September 17, 2024 Prekindergarten Teacher Questionnaire (BATES 0036-0037)
- MCPS Ex. 16 September 17, 2024 Prekindergarten Observation (BATES 0038)
- MCPS Ex. 17 September 18, 2024 Educational History (BATES 0039)
- MCPS Ex. 18 December 18, 2024 EMT Meeting Sign-in Sheet (BATES 0040)
- MCPS Ex. 19 Child Find Letter, undated (BATES 0041)
- MCPS Ex. 20 February 6, 2025 Authorization for Release/Exchange of Confidential Information (BATES 0042)
- MCPS Ex. 21 January 24, 2025 Five-day Disclosure Notice of Documents Provided to Parent/Guardian for Review at an IEP Meeting (BATES 0043)

MCPS Ex. 22 [REDACTED] (BATES 0044)

MCPS Ex. 23 [REDACTED] (BATES 0045-0046)

MCPS Ex. 24 [REDACTED] (BATES 0047-0049)

MCPS Ex. 25 [REDACTED] (BATES 0050-0055)

MCPS Ex. 26 [REDACTED] (BATES 0056-0063)