



Karen B. Salmon, Ph.D.
State Superintendent of Schools

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August 3, 2016

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Mr. Philip A. Lynch
Director of Special Education Services
Montgomery County Public Schools
850 Hungerford Drive, Room 225
Rockville, Maryland 20850

RE: XXXXX
Reference: #16-145

Dear Parties:

The Maryland State Department of Education, Division of Special Education/Early Intervention Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of our investigation.

ALLEGATION:

On June 8, 2015, the MSDE received correspondence from Ms. XXXXXXXXX, hereafter the “complainant.” In that correspondence, the complainant alleged that the Montgomery County Public Schools (MCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) and the corresponding federal and State regulations with respect to her son, the above referenced student.

The MSDE investigated the allegation that the MCPS has not ensured that the Individualized Education Program (IEP) developed for the student has met his behavioral needs, since December 2015, in accordance with 34 CFR §300.324 and COMAR 13A.05.01.10.

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INVESTIGATIVE PROCEDURES:

1. On June 8, 2016, the MSDE sent a copy of the complaint, via facsimile, to Mr. Philip Lynch, Director of Special Education Services, MCPS.
2. On June 10, 2016, Mr. Gerald Loiacono, Complaint Investigator, MSDE, conducted a telephone interview with the complainant to clarify the allegation.
3. On June 21, 2016, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. On the same date, the MSDE notified the MCPS of the allegation and requested that the school system review the alleged violation.
4. On June 27, 2016, Mr. Loiacono sent electronic correspondence to the MCPS, requesting additional documentation.
5. On July 14, 2016, the MCPS provided the MSDE with a written response to the allegation.
6. On July 15, 2016, the MCPS provided additional documentation to the MSDE.
7. The MSDE reviewed documentation relevant to the findings and conclusions referenced in this Letter of Findings (LOF), which include:
 - a. Correspondence from the complainant alleging a violation of IDEA, received by the MSDE on June 8, 2016;
 - b. IEP, dated November 15, 2015; and
 - c. Written response from the MCPS, received by the MSDE on July 14, 2015.

BACKGROUND:

The student is sixteen years old. He is identified as a student with a Specific Learning Disability, under the IDEA, and has an IEP that requires the provision of special education instruction (Docs. a and b).

SUMMARY OF FINDINGS AND CONCLUSIONS:

The MCPS has acknowledged that violations occurred with respect to the allegation. In response to the violation, the MCPS stated that they will convene an IEP team meeting to address the student's social, emotional, and behavioral needs. The MCPS further indicates

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that the complainant's request for a safety plan for the student will be considered by the IEP team (Doc. c).

The MSDE concurs with the MCPS' conclusions and appreciates the school system's response to the investigation.

CORRECTIVE ACTIONS/TIMELINES:

The MSDE requires the MCPS to provide documentation by October 1, 2016 that the IEP team has reviewed and revised the IEP, as appropriate, to address the student's social, emotional, and behavioral needs. The MCPS must also provide documentation that they have determined the compensatory services or other remedy to be provided to remediate the violation.

Documentation of completion of corrective actions is to be submitted to this office to:
Attention: Chief, Family Support and Dispute Resolution Branch, Division of Special Education/Early Intervention Services, MSDE.

TECHNICAL ASSISTANCE:

Technical assistance is available to the parties by contacting Dr. Nancy Birenbaum, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE at (410) 767-7770.

Please be advised that the MCPS and the complainant have the right to submit additional written documentation to this office within fifteen (15) days of the date of this letter if they disagree with the findings of fact or conclusions reached in this Letter of Findings. The additional written documentation must not have been provided or otherwise available to this office during the complaint investigation and must be related to the issues identified and addressed in the Letter of Findings. If additional information is provided, it will be reviewed and the MSDE will determine if a reconsideration of the conclusions is necessary.

Upon consideration of this additional documentation, this office may leave its findings and conclusions intact, set forth additional findings and conclusions, or enter new findings and conclusions. Pending the decision on a request for reconsideration, the school system must implement any corrective actions within the timelines reported in this Letter of Findings.

Questions regarding the findings, conclusions and corrective actions contained in this letter should be addressed to this office in writing. The complainant and the school system 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 and Appropriate Public Education for the student, including issues subject to this State complaint investigation, consistent with

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the IDEA. The MSDE recommends that this Letter of Findings be included with any request for mediation or due process.

Sincerely,

Marcella E. Franczkowski, M.S.

Assistant State Superintendent

Division of Special Education/Early Intervention Services

MEF:gl

c: Jack Smith
Chrisandra A. Richardson
Tracee Hackett
XXXXXXXX
Dori Wilson
Anita Mandis
Gerald Loiacono
Nancy Birenbaum