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April 26, 2017

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Mr. Philip A. Lynch
Director of Special Education Services
Montgomery County Public Schools
850 Hungerford Drive, Room 230
Rockville, Maryland 20850

RE: XXXXX
Reference: #17-116

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 the investigation.

ALLEGATION:

On February 28, 2017, the MSDE received a complaint from Dr. XXXXXXXXXXXXX, hereafter, “the complainant,” on behalf of his son, 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) with respect to the student.

The MSDE investigated the allegation that the MCPS did not ensure that the student was provided with the paraeducator/instructional assistant support required by the Individualized Education Program (IEP) from August 29, 2016 until January 15, 2017, in accordance with 34 CFR §§300.101 and .323.

INVESTIGATIVE PROCEDURES:

1. On February 28, 2017, Ms. Anita Mandis, Section Chief, Complaint Investigation Section, MSDE, conducted a telephone interview with the complainant about the allegation to be investigated. On the same date, the MSDE provided a copy of the State complaint, by facsimile, to Mr. Philip A. Lynch, Director of Special Education Services, MCPS.

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2. On March 7, 2017, the MSDE sent correspondence to the complainant that acknowledged receipt of the complaint and identified the allegation subject to this investigation. The MSDE also notified Mr. Lynch of the allegation to be investigated and requested that his office review the alleged violation.
3. On March 24 and 31, 2017, Ms. Mandis spoke with Ms. Tracee N. Hackett, Supervisor, Resolution and Compliance Unit, MCPS, by telephone about the allegation.
4. On April 7, 2017, the MCPS provided the MSDE with documentation to consider.
5. The MSDE reviewed documentation, relevant to the findings and conclusions referenced in this Letter of Findings, which includes:
 - a. IEP, dated August 23, 2016;
 - b. Student's classroom schedule; and
 - c. Schedule for instructional assistants at XXXXXXXXXXXXXXXXXXXXXXXX.

BACKGROUND:

The student is nine (9) years old and attends XXXXXXXXXXXXXXXXXXXX. He is identified as a student with Autism under the IDEA and has an IEP that requires the provision of special education and related services (Doc. a).

FINDINGS OF FACTS:

1. The IEP requires that the student be provided with supports to assist him with achieving the annual IEP goals, including strategies to initiate and sustain attention, reinforcement of positive behavior, cuing, checks for understanding, and assistance with organization. The IEP states that the student will be provided with the services of an instructional assistant in the areas of reading, writing, math, science, and social studies (Doc. a).
2. The student's classroom schedule and the schedules of instructional assistants assigned to provide adult support in the classrooms at XXXXXXXXXXXXXXXXXXXX document that there were staff members assigned to provide the required supports in the student's English, math, science, and social studies classes (Docs. b and c).
3. The reports of the student's progress towards achievement of the annual IEP goals, made on November 4, 2016 and January 27, 2017 document that the student is making sufficient progress towards achievement of the goals. These reports document that the student is being provided with adult support, including prompting, reminders to complete work, and assistance with managing his stress (Doc a).

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DISCUSSION/CONCLUSIONS:

The public agency must ensure that students are provided with the special education services required by the IEP (34 CFR §§300.101 and .323).

Based on the Findings of Facts #1 - #3, the MSDE finds that there is documentation that the student was provided with adult support in his academic classes, as required by the IEP. Therefore, this office does not find that a violation has occurred.

TIMELINE:

Please be advised that both the complainant and the MCPS have the right to submit additional written documentation to this office, which must be received within fifteen (15) days of the date of this letter, if they disagree with the findings of facts 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.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing.

Sincerely,

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/Early Intervention Services

MEF:am

c: Jack R. Smith
Chrisandra A. Richardson
Julie Hall
Tracee N. Hackett
Patricia Grundy
XXXXXXXXXXXXXX
Dori Wilson
Anita Mandis