



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

October 11, 2018

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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: #19-039

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention/Special Education 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 September 26, 2018, the MSDE received a complaint from Mr. XXXXXXXXXXXXX, hereafter, “the complainant,” on behalf of his daughter, 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 above-referenced student.

The MSDE investigated the allegation that the MCPS did not ensure that written notice was provided of who would be in attendance at the Individualized Education Program (IEP) meeting held on August 14, 2018, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07.

**BACKGROUND:**

The student is sixteen (16) years old and is identified as a student with an Other Health Impairment under the IDEA. She attends XXXXXXXXXXXXXXXXXXXX and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The MCPS sent the complainant a written IEP team meeting invitation for an IEP team meeting to be held on August 14, 2018. The invitation included the titles of those individuals who were expected to attend the meeting.
2. On August 14, 2018, the IEP team, including the complainant, convened to review and revise the student's IEP, as appropriate. The documentation from the IEP team meeting indicates that an individual from MCPS Central Office participated in the meeting, but was not included on the meeting invitation that was provided to the complainant.

**CONCLUSION:**

Based on the Findings of Facts #1 and #2, the MSDE finds that the complainant was not provided with accurate information about the specific individuals who would be participating in the IEP team meeting held on August 14, 2018, in accordance with 34 CFR §300.322 and COMAR 13A.05.01.07. Therefore, this office finds that a violation occurred.

**CORRECTIVE ACTIONS/TIMELINES:**

**Student-Specific**

The MSDE requires the MCPS to provide documentation by November 30, 2018, that the MCPS has provided the complainant with the opportunity to address any concerns about the revised IEP with the IEP team.

**School-Based**

The MSDE requires the MCPS to provide documentation by December 31, 2018 of the steps taken to ensure that the violation does not recur at XXXXXXXXXXXXXXXXXXXXXXXX.

**TECHNICAL ASSISTANCE:**

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

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 (15) 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 for why the documentation was not made available during the investigation. 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.

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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,

Marcella E. Franczkowski, M.S.

Assistant State Superintendent

Division of Early Intervention/Special Education Services

MEF:ac

c: Jack Smith  
Kevin Lowndes  
Julie Hall  
Tracee Hackett  
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Dori Wilson  
Anita Mandis  
Albert Chichester