




April 6, 2023




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

RE:   
Reference: #23-164

Dear Parties:


The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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 8, 2023, MSDE received a complaint from Ms.  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) with respect to the above-referenced student.

MSDE investigated the allegation that the MCPS has not ensured that the student has been provided with the accommodations required by his IEP since August 2022, in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is fourteen (14) years old and attends  School. He is identified as a student with an Other Health Impairment under the IDEA and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The student's IEP, dated June 22, 2022, requires that he be provided with accommodations and supports including: provision of a "hardcopy" of assignments, flexible due dates, encouraging the student to make shorter notes, allowing the student to use highlighters, encouraging the student to visualize as he's reading, advance notification of testing, provision of graphic organizers, encouraging the student to verbalize answers before writing, repetition of directions, provision of teacher notes, frequent feedback, "chunking" of assignments, allowing the student to work with a "trusted" adult, preferential seating, and reminders to use his reading supports.

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2. There is documentation that the student has been consistently provided with the supports and accommodations required by his IEP, when applicable, since August 2022.

**DISCUSSION/CONCLUSIONS:**

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 and .323).

Based on Findings of Facts #1 and #2, MSDE finds that the student was consistently provided with accommodations and support as required by his IEP, since August 2022, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find that a violation occurred with respect to this allegation.

**TIMELINES:**

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.

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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins  
Deputy Superintendent  
Office of the Deputy Superintendent of Teaching and Learning

DMC/gl

c: Monifa B. McKnight  
Diana K. Wyles  
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