



December 22, 2022

[REDACTED]
[REDACTED]
[REDACTED]

Mr. Philip Lynch
Director of Special Education Services
850 Hungerford Drive, Room 225
Rockville, Maryland 20850

RE: [REDACTED]
Reference: #23-082

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 November 9, 2022, the MSDE received a complaint from Mr. [REDACTED] 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 above-referenced student.

The MSDE investigated the allegation that the MCPS has not followed proper procedures in the identification and evaluation of the student to determine if they require special education services under IDEA, in accordance with 34 CFR §§300.111 and .301-.311.

BACKGROUND:

The student is seven (7) years old. He attends [REDACTED] School.

FINDINGS OF FACTS:

1. There is email documentation dated September 30, 2022, from the complainant to the MCPS staff requesting “psych-educational assessment to help determine the student’s current level of functioning.”
2. There is documentation of an Individualized Education Program (IEP) team meeting invitation indicating a meeting date of November 3, 2022, with the purpose of the meeting being to review existing information to determine the need for additional data. The invited attendees were the parents, the school psychologist, the special education teacher, the principal, the speech/language pathologist, the school counselor, and the general educator.

3. There is an email from the complainant to the MCPS dated October 31, 2022, requesting a change to the IEP team meeting date.
4. There is documentation of an Individualized Education Program (IEP) team meeting invitation, indicating a meeting date of November 17, 2022, with the purpose of the meeting being to review existing information to determine the need for additional data. The invited attendees were the parents, the school psychologist, the special education teacher, the principal, the speech/language pathologist, the school counselor, and the general educator.
5. There is a Child Find Referral dated November 17, 2022.
6. There is a Notice and Consent for Assessment reflecting the need for additional assessments in the areas of Academic Performance: Reading, Mathematics, and Written Language; Communication: Articulation and Expressive/ Receptive Language; Intellectual/ Cognitive Functioning; Emotional/Social/Behavior Development; and an Observation.
7. The Prior Written Notice (PWN) drafted following the November 17, 2022, IEP team meeting reflects the team's decision to conduct a Child Find screening.
8. There is an IEP team meeting scheduled for January 5, 2023, reflecting the purpose of the meeting to review written referral and/or existing data and information, and, if appropriate, determine eligibility for special education services.

CONCLUSION:

Based upon the Findings of Facts #1- #8, the MSDE finds that the MCPS followed proper procedures in the identification and evaluation of the student to determine if the student require special education services under IDEA, in accordance with 34 CFR §§300.111 and .301-.311. Therefore, this office does not find a violation 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

[REDACTED]
Mr. Philip Lynch
December 22, 2022
Page 3

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: sd

c: Monifa McKnight
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