

March 25, 2024

Megan Jones  
Assistant Managing Attorney  
Disability Right Maryland  
1500 Union Avenue, Suite 2000  
Baltimore, Maryland 21211

Kia Middleton-Murphy  
Acting Director, Special Education  
Montgomery County Public Schools  
850 Hungerford Drive, Room 225  
Rockville, Maryland 20850

RE: [REDACTED]  
Reference: #24-134

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.

**ALLEGATIONS:**

On January 25, 2024, the MSDE received a complaint from Megan Jones, 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 student.

MSDE investigated the following allegations:

1. The MCPS has not ensured that the Individualized Education Program (IEP) contains appropriate measurable postsecondary goals related to training, education, employment, and independent living skills that were based on age-appropriate transition assessments since September 2023, in accordance with 34 CFR §300.320.
2. The MCPS has not ensured that the IEP contains an appropriate description of transition services needed to assist the student in reaching his postsecondary goals, since the start of September 2023, in accordance with 34 CFR §300.320.
3. The MCPS has not ensured that the IEP team addressed parental concerns regarding the student’s daily living skills since September 2023, in accordance with 34 CFR §300.324.

**BACKGROUND:**

The student is 19 years old and is identified as a student with Autism under the IDEA. He attends [REDACTED] ([REDACTED]) and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The September 29, 2023, IEP reflects that the student is participating in a six-year program and is designated to graduate with a Maryland high school diploma in June 2024.

The student's Present Level of Academic Achievement and Functional Performance (PLAAFP) reflects that the student's instructional level is below age level or expectation in speech and language fluency, social-emotional/behavioral, social interaction skills, and self-management; and the student was on grade level for instruction in speech and language expressive and pragmatic language.

The student's secondary transition employment information reflects the MCPS conducted a record review including the student's transcript, a student interview on August 29, 2023, a Naviance Career and Achieve Works Personality assessments in January 2023, the Career Key and Career Interest Profiler, the Armed Services Vocational Aptitude Battery (ASVAB), and other personality assessments. The IEP transition services reflect that the student had a 3.5-grade point average, had obtained 75 Student Service Learning (SSL) hours, and 1010/1520 on the Preliminary Scholastic Aptitude Test (PSAT) and 990/1600 on the Scholastic Aptitude Test (SAT) in March 2022. The IEP reflects that the student was accepted into the [REDACTED] ([REDACTED]) [REDACTED] program.

The student's secondary transition education section reflects that the MCPS conducted a record review including the student's transcript, a student interview on August 29, 2023, a Naviance Career and Achieve Works Personality assessments in January 2023, the Career Key and Career Interest Profiler, the Armed Services Vocational Aptitude Battery (ASVAB), and other personality assessments. The IEP transition services reflect that the student has a 3.5-grade point average, has 75 Student Service Learning (SSL) hours, and took the PSAT in October 2019, and the SAT in March 2022. The student's secondary transition course of study reflects that the student is enrolled in courses that will prepare him for a career in the manufacturing, engineering, and technology fields. The student is currently enrolled in Advanced Placement Computer Science JAVA, Computer Programming and Engineering Design courses. The IEP further reflects that the student completed the [REDACTED] and was accepted into the [REDACTED] ([REDACTED]) [REDACTED] program.

The student's IEP contains postsecondary goals and activities in the areas of employment training and education. The student's employment goal states "After high school graduation, [the student] will work in the field of technology." The student's employment transition activity states, "[The student] will attend a career planning meeting with staff. The student's education goal states, "Upon graduating from high school, [the student] will attend college and complete a course of study in technology." The student's education transition activity states, "[The student] will explore a college virtually with staff support." The IEP goals related to the areas of the student's transition are

“behavioral-social interaction skills and self-management”. The secondary transition agency linkage information is completed and reflects that consent was provided to communicate with the Division of Rehabilitation Services (DORS).

2. There is documentation that the student’s transition assessments are age-appropriate.
3. On September 29, 2023, the IEP team met to conduct the student’s annual review. According to the Prior Written Notice (PWN), in making its determinations the IEP team considered parent input, general education teacher input, teacher reports, the school year 2022-2023 report cards, a July 2023 MCPS Speech and Language Assessment, a July 2023 MCPS Continued Eligibility Educational Assessment, an April 2022 [REDACTED] Psychological Evaluation submitted by the parent, the June 2023 quarterly progress report, school year 2022-2023 curriculum-based assessments, informal teacher feedback from August 2023, and case manager observations.

The PWN reflects that the student was deemed ineligible for Developmental Disabilities Administration (DDA) services, but the team would add the DORS information to the student’s IEP. The DORS representative shared that the student could start in a work adjustment training after graduation with a work assessment. The DORS representative clarified that DORS’ primary emphasis is “employment skills in preparation for graduation, not independent living or adaptive functioning skills.”

The PWN reflects that the parent proposed to “discuss barriers to the student’s desire to have a career in computer science, specifically his needs in the areas of fundamental skills related to executive functioning, planning, self-monitoring, time management, and organization as noted by 9-1-23 IEP draft and supported by the [private report] (compared to the skills necessary for job as a manufacturing engineer as noted by O\*net)”. The IEP team agreed to add this information to the IEP. The parent shared that “life skills need to be built at the school level. DORS is focused on employment skills. [The student] is focused on a goal in computer science. He earned a two on his AP exam. What skills does he need to develop to be ready for college? He’s not able to take the bus well; he can’t fill out college applications on his own and doesn’t ask for help.” The parent inquired about developing the student’s life skills.

The MCPS team stated that the student’s IEP accurately reflects his areas of need, and supports those needs with IEP goals, accommodations, Student Accessibility Services (SAS), and transition planning. The PWN reflects that the IEP team agreed that the MCPS staff would respond in writing to parental questions presented before the meeting.

4. There is no documentation that the MCPS staff responded in writing to the parental questions presented before the meeting.
5. There is no documentation that the IEP team addressed the parent’s concerns about life skills.

## **CONCLUSIONS:**

### **ALLEGATION #1 AN IEP WITH MEASURABLE POSTSECONDARY GOALS**

Based on the Findings of Fact #1 and #2, MSDE finds that the MCPS has ensured that the IEP contains appropriate measurable postsecondary goals related to training, education, employment, and independent

living skills that were based on age-appropriate transition assessments since September 2023, in accordance with 34 CFR §300.320. Therefore, this office finds that a violation did not occur concerning the allegation.

### **ALLEGATION #2 AN IEP WITH APPROPRIATE TRANSITION SERVICES**

Based on the Findings of Fact #1 to #2, MSDE finds that the MCPS has ensured that the IEP contains an appropriate description of transition services needed to assist the student in reaching his postsecondary goals, since the start of September 2023, in accordance with 34 CFR §300.320. Therefore, this office finds that a violation did not occur concerning the allegation.

### **ALLEGATION #3 ADDRESSING PARENTAL CONCERNS**

Based on the Findings of Facts #3 to #5, MSDE finds that the MCPS has not ensured that the IEP team addressed parental concerns regarding the student's daily living skills since September 2023, in accordance with 34 CFR §300.324. Therefore, this office finds that a violation occurred concerning the allegation.

### **CORRECTIVE ACTIONS/TIMELINES:**

The IDEA requires that State complaint procedures include effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below. Accordingly, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that noncompliance is corrected in a timely manner.<sup>1</sup> This office will follow up with the public agency to ensure that it completes the required actions consistent with the MSDE Special Education State Complaint Resolution Procedures.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Ms. Alison Barmat, Branch Chief, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Barmat can be reached at (410) 767-7770 or by email at [alison.barmat@maryland.gov](mailto:alison.barmat@maryland.gov).

### **Student-Specific:**

MSDE requires the MCPS to provide documentation by June 4, 2024, that an IEP team meeting has been convened to address the parent's concerns regarding the student's life skills. The team must also provide

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<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency corrects noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

documentation that the parent's concerns provided in writing prior to the September 29, 2023, IEP meeting have been answered in writing as agreed to in the IEP meeting.

The MCPS must ensure that the parent is provided with prior written notice of the team's decisions. The parent maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

**School-Based:**

MSDE requires the MCPS to provide documentation by June 4, 2024, of the steps taken to ensure that the staff at [REDACTED] properly implements the requirements for responding to parental concerns under the IDEA. These steps must include staff development. 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,

Antoine L. Hickman, Ed.D.  
Assistant State Superintendent  
Division of Early Intervention and Special Education Services

ALH/ebh

c: Dr. Monique Felder, Interim Superintendent, MCPS  
Diana K. Wyles, Associate Superintendent, MCPS  
Maritza Macias, Paralegal, MCPS  
Eve Janney, Compliance Specialist, MCPS  
Gerald Loiacono, Supervisor, Resolution and Compliance Unit, MCPS  
[REDACTED], Principal, MCPS  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Nicol Elliott, Section Chief, Monitoring and Accountability, MSDE  
Tracy Givens, Section Chief, Dispute Resolution MSDE  
Elizabeth B. Hendricks, Complaint Investigator, MSDE