

September 13, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

Ms. Kia Middleton-Murphy  
Director of Special Education Services  
Montgomery County Public School  
850 Hungerford Drive, Room 225  
Rockville, Maryland 20850

RE: [REDACTED]  
Reference: #25-011

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services, has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report on the final results of the investigation.

**ALLEGATION:**

On July 24, 2024, MSDE received a complaint from [REDACTED], 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) concerning the above-referenced student.

MSDE investigated the allegation that the MCPS had not implemented the judge's order in a due process hearing decision dated June 12, 2024, in accordance with 34 CFR § 300.152.

**BACKGROUND:**

The student is 17 years old and is identified as a student with autism under the IDEA. The student attends [REDACTED] ([REDACTED]) and has an IEP that requires special education instruction and related services.

**FINDINGS OF FACT:**

1. On June 12, 2024, an Administrative Law Judge (ALJ) ordered MCPS to fund the student's placement at the [REDACTED] ([REDACTED]) in [REDACTED] for the 2024-2025 school year.

2. The court order reflects that within 30 days of the date of the decision, the MCPS is to provide proof of compliance with MSDE.
3. On August 12, 2024, the student started school at [REDACTED] in [REDACTED].
4. On August 20, 2024, the IEP team met to conduct an annual review of the student. The Prior Written Notice (PWN) generated after the meeting reflects that the MCPS proposed a change of placement to [REDACTED] in [REDACTED] for the delivery of specialized services. The IEP meeting was held 69 days after the date of the ALJ's decision.

### **CONCLUSION:**

In this case, the complainant alleges that the MCPS failed to comply and implement the due process hearing decision and order issued by the ALJ on June 12, 2024, within the required timeframe.

A decision made in a due process hearing is final, unless appealed by a party to the case. See 34 CFR § 300.514. As the State Education Agency under IDEA, MSDE is charged with ensuring the LEAs comply with the requirements of the IDEA, including due process proceedings and decisions. In resolving a complaint in which MSDE finds a failure to provide appropriate services, pursuant to its general supervisory authority, MSDE must address the failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement). See 34 CFR § 300.151(b). When it identifies noncompliance with the requirements of Part B by LEAs, MSDE must ensure that the noncompliance is corrected as soon as possible. See 34 CFR § 300.600.

Based on Findings of Fact #1 through #4, MSDE finds that the MCPS did not implement the judge's order in a due process hearing decision dated June 12, 2024, within the required timeframe, in accordance with 34 CFR § 300.152. Therefore, this office finds that a violation occurred concerning the allegation.

Notwithstanding the violation, based upon Finding of Fact #4, MSDE finds that the MCPS convened an annual review IEP team meeting on August 20, 2024, and proposed a change of placement for the student to the school ordered by the ALJ. No further corrective action is warranted.

### **TIMELINE:**

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 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

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/sj

c: Dr. Thomas Taylor, Superintendent, MCPS  
Peggy Pugh, Chief Academic Officer, MCPS  
Diana K. Wyles, Associate Superintendent, MCPS  
Eve Janney, Compliance Specialist, MCPS  
Gerald Loiacono, Supervisor, Resolution and Compliance Unit, MCPS  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
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