


February 3, 2025




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

RE: 
Reference: #25-079

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 September 26, 2024, MSDE received a complaint from , 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 did not follow proper procedures when the Individualized Education Program (IEP) team determined the placement in which the student would receive special education instruction since October 2023, in accordance with 34 CFR §§ 300.114 and .116.

BACKGROUND:

The student is 10 years old and is identified as a student with autism under the IDEA. He attends  and has an IEP that requires the provision of special education instruction and related services.

FINDINGS OF FACT:

1. The student is enrolled in the MCPS [REDACTED].
2. The IEP in effect in October 2023 was developed on January 19, 2023. It reflects the student's residence school as [REDACTED] and the service school as [REDACTED].

The least restrictive environment (LRE) reflects that the IEP team considered general education, homeschool model, and Asperger's services. It is further reflected that the student "needs specialized supports and direct instruction to work on his social/emotional IEP goals, which warrant removal from his home school and from the general education setting for parts of the school day." In addition, the student requires the "specialized supports of the Asperger's program."

The IEP reflects that these services are not in the student's homeschool and that there are no potential harmful effects on the student or quality of services he needs.

The IEP requires:

- 16 hours and 45 minutes per week in the general education classroom; and
- 15 hours and 15 minutes per week outside of the general education classroom.

3. On February 15, 2024, the IEP team convened to conduct an annual review. The Prior Written Notice (PWN) generated following the meeting reflects that the IEP team reviewed a speech-language evaluation, classroom and therapy logs, report card data, state and district assessment data, teacher observations, and parental input and IEP team discussion.
4. The IEP dated February 5, 2024, was developed on February 15, 2024. It reflects that the student's residence school as [REDACTED] and the service school as [REDACTED].

The LRE reflects that the IEP team considered general education in the student's homeschool, general education with supports, special education classroom, and a combination of special education classroom and general education classroom with supports. "The IEP team recommended continued placement in [REDACTED] to access a combination of instruction in the special education setting and instruction in the general education setting with support."

The IEP reflects that these services are not provided in the student's homeschool and that any potential harmful effects on the student or quality of services he needs are "outweighed by the benefits of a specialized setting and supports."

The IEP requires:

- 17 hours and 45 minutes per week in the general education classroom; and
- 14 hours and 15 minutes per week outside the general education classroom.

5. On August 21, 2024, the complainant emailed the MCPS. The email reflects that the complainant was requesting a transfer to the [REDACTED] at the student's homeschool. On the same date, the MCPS replied to the request, "...[The student's] IEP services, especially 5th grade English Language Arts instruction in the special education setting can be implemented at [REDACTED] and not [REDACTED] this year."

DISCUSSION AND CONCLUSION:

In determining the educational placement of a student with a disability, the public agency must ensure that the placement decision is made by the IEP team. The placement decision must be made in conformity with the least restrictive environment (LRE) provisions, determined at least annually, based on the student's IEP, and as close as possible to the student's home (34 CFR § 300.116 and COMAR 13A.05.01.10(C)(1)).

Unless the IEP of a student requires some other arrangement, the student is educated in the school setting that the student would attend if not disabled. In selecting the LRE, the public agency must consider any potential harmful effect on the student or on the quality of services that the student needs. A student with a disability is not removed from education in an age-appropriate regular classroom setting solely because of needed modifications in the general curriculum (34 CFR § 300.116 and COMAR 13A.05.01.10C(1)).

In this case, the complainant would like the student to be placed in the MCPS [REDACTED] in the student's homeschool. However, there is documentation that the student's English Language Arts needs cannot be met at the student's homeschool.

Based on the Findings of Facts #1 through #5, MSDE finds that the MCPS did consider the student's homeschool, and did follow proper procedures when the IEP team determined the placement in which the student would receive special education instruction since October 2023, in accordance with 34 CFR §§ 300.114 and .116. Therefore, MSDE finds no violation concerning the 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 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 why the documentation was not made available during the investigation. The written request for reconsideration should be provided to Tracy Givens, Section Chief, Dispute Resolution via email Tracy.Givens@maryland.gov.

Ms. Kia Middleton-Murphy

February 3, 2025

Page 4

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/sd

c: Thomas Taylor, Superintendent, MCPS
Dr. Peggy Pugh, Chief Academic Officer, MCPS
Diana K. Wyles, Associate Superintendent, MCPS
Gerald Loiacono, Supervision, Resolution and Compliance Unit, MCPS
Maritza Macias, Paralegal, MCPS
[REDACTED], Principal, [REDACTED], MCPS
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE
Nicole Green, Compliance Specialist, MSDE
Tracy Givens, Section Chief, Dispute Resolution, MSDE
Sarah Denney, Complaint Investigator, Dispute Resolution, MSDE