

February 4, 2025

[REDACTED]  
[REDACTED]  
[REDACTED]

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

RE: [REDACTED]  
Reference: #25-169

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.

**ALLEGATIONS:**

On December 11, 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 following allegations:

1. The MCPS has not ensured that the student’s Individualized Education Program (IEP) contains a transition plan based on age-appropriate assessments since December 2023, in accordance with 34 CFR § 300.320.
2. The MCPS has not ensured that the student was provided with the transition activities as required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323.

**BACKGROUND:**

The student is 18 years old and is identified as a student with autism under the IDEA. She attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

### **FINDINGS OF FACT:**

1. The student's IEP in effect in December 2023, was developed on February 21, 2023, and was amended on September 19, 2023, December 7, 2023, and April 24, 2024. The IEP has an annual review date of February 20, 2024. The IEP reflects the present level of academic achievement and functional performance (PLAAFP):
  - Secondary transition employment: based on parental input, the student "has discussed an interest in the culinary arts as she enjoys cooking for her family, specifically baking;" and
  - Secondary transition education/training: based on a student interview, the student reported that she "enjoys baking". She also reported that she is independent with the following daily living skills: getting dressed and ready for the day, making a meal, making a purchase at a store, crossing the street, and doing a fun activity on the weekend. When asked about her preferences in a work environment, she prefers being inside, being by herself, moving around, and being in a quiet space. [The student] expressed interest in a job involving baking but is not interested in cleaning tasks. In the future after high school, [REDACTED] is interested in working as a baker and living on her own.

The IEP reflects the following transition goal assessments: parent and student interviews.

The IEP requires transition goals:

- Employment: "After high school, [the student] will obtain employment in a supported job market as a baker." The IEP reflects that reading phonics, fluency, comprehension, math calculation and problem-solving, written language expression, speech-language receptive, expressive, pragmatics language, and social-emotional/behavioral are related goals. The transition activity is reflected as "[the student] will learn about community workers, various jobs outlined in Maryland's Career Clusters, and skills needed to be successful in the workplace;"
  - The progress report reflects as partially completed on October 31, 2023, January 26, 2024, and June 13, 2024; and
  - The progress reflects that this goal was completed on November 1, 2024: "In OJT [On the Job Training] class, seasonal and full-time employees were identified at Montgomery Mall. This activity has been completed."
- Education: "After high school, [the student] will take culinary classes. The IEP reflects that reading phonics, fluency, comprehension, math calculation and problem-solving, written language expression, and speech-language receptive, expressive, and pragmatics language are related goals. The transition activity is reflected as "[the student] will complete coursework aligned with the approved high school curriculum in the area of math;"
  - The progress report reflects as partially completed on October 31, 2023, January 26, 2024, and June 13, 2024; and
  - The progress report reflects that this goal was completed on November 1, 2024: "[The student] is currently making progress towards this activity. She has worked on ALO [Alternative Learning Outcomes] 11th-grade math concepts. These include fractions, data measurement, number fluency, algebraic expressions, and problem-solving."
- Training: "After high school, [the student] will obtain employment training and job placement support through an adult service provider as a baker." The IEP reflects that reading phonics, fluency, comprehension, math calculation and problem-solving, written language expression, speech-language receptive, expressive, pragmatics language, and social-emotional/behavioral are related goals. The transition activity is reflected as "[the student] will participate in one period of Work-Based Learning to practice work skills needed for future employment."

- The progress is reflected as partially completed on October 31, 2023, January 26, 2024, and June 13, 2024; and
- The progress report reflects that this goal was not yet introduced on November 1, 2024: “due to staffing shortages, jobsites have been limited. “
- Independent living: “After exiting high school, [the student] will participate in activities of daily living with the support of her community.” The IEP reflects that reading phonics, fluency, comprehension, math calculation and problem solving, written language expression, speech-language receptive, expressive, pragmatics language, and social emotional/behavioral are related goals. The transition activity is reflected as “[the student] will practice coping strategies needed to further her independence in the future.”
  - The progress report reflects as partially completed on October 31, 2023, January 26, 2024, and June 13, 2024; and
  - The progress report reflects that this goal was completed on November 1, 2024: “This activity has been completed. [The student] has worked on emotional regulation and intelligence with her case manager. She also has met with the school psychologist and counselor to work on this activity.”

There is no documentation that the IEP contains age-appropriate transition assessments.

2. While there is some documentation of transition activities taking place since December 2023, the documentation does not demonstrate consistent provision as required by the IEP.

## **CONCLUSIONS:**

### **Allegation #1**

Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include an appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services (including courses of study) needed to assist the child in reaching those goals (34 CFR § 300.320).

In this case, the transition plan was based on a parent and student interview, and not on an age-appropriate assessment.

Based on the Finding of Fact #1, MSDE finds that the MCPS has not ensured that the student’s IEP contains a transition plan based on age-appropriate assessments since December 2023, in accordance with 34 CFR § 300.320. Therefore, MSDE finds a violation concerning the allegation.

### **Allegation #2**

Based on the Findings of Fact #1 and #2, MSDE finds that the MCPS has not ensured that the student was provided with the transition activities as required by the IEP since December 2023, in accordance with 34 CFR §§ 300.101 and .323. Therefore, MSDE finds a violation concerning the allegation.

### **CORRECTIVE ACTIONS AND 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.

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. Nicole Green, Compliance Specialist, Family Support and Dispute Resolution, MSDE, to ensure the effective implementation of the action.<sup>2</sup> Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

#### **Student-Specific**

MSDE requires the MCPS to provide documentation, by March 28, 2025, that the IEP team has taken the following action:

- a. Determined the student's present levels of functioning and performance for transition;
- b. Determined the levels of functioning and performance that were expected to have been demonstrated by that time;
- c. Developed new transition goals and activities;
- d. Determined the services needed to remediate the violations identified in this investigation; and
- e. Developed a plan for the implementation of the services within one year of the date of this Letter of Findings.

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 March 28, 2025, of the steps it has taken to ensure that the [REDACTED] staff properly implements the requirements for the implementation of transition assessments, and activities under the IDEA. These steps must include staff development, as well as tools developed to document services and monitor compliance. Monitoring must include a review of at least 15 randomly selected student records to review for the review of age-appropriate transition assessments and the provision of transition activities. The monitoring report must be submitted to MSDE on or before April 25, 2025.

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<sup>1</sup> The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct 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, the 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.

<sup>2</sup> MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.

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](mailto:Tracy.Givens@maryland.gov). 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/sd

c: Dr. Thomas Taylor, Superintendent, MCPS  
Dr. Peggy Pugh, Chief Academic Officer, MCPS  
Diana K. Wyles, Associate Superintendent, MCPS  
Gerald Loiacono, Supervisor, 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