

Maryland Judge Finds Montgomery County Violated Federal Special Education Law

By Sean Sayers

A Maryland administrative law judge has ruled that Montgomery County Public Schools (MCPS) violated federal special education law by restricting the authority of educators and parents to determine an appropriate educational placement for a student with disabilities.

In a 37-page decision issued April 24, 2026, Administrative Law Judge Willis Gunther Baker concluded that MCPS had predetermined a six-year-old student's placement and established administrative procedures that interfered with the decision-making authority of Individualized Education Program (IEP) teams. The judge also found that the district's actions denied the student a free appropriate public education, as required by federal law.

The case involved a kindergarten student with an identified emotional disability. Although evaluations documented strong academic abilities, the student experienced significant behavioral and emotional difficulties that affected his ability to participate in a traditional classroom.

The student's parents sought placement at the Lourie Center School, a specialized nonpublic school where he had previously attended a therapeutic preschool program. MCPS instead recommended its Social Emotional Special Education Services (SESES) program at Oakland Terrace Elementary School. The parents disputed that recommendation and eventually sought a due process hearing.

During the proceedings, evidence emerged concerning an administrative approval process introduced by MCPS in 2025. Documents presented at the hearing described a chain of command requiring supervisory authorization before certain special education placement changes could occur.

One document stated that no placement changes would occur without discussion and email confirmation from the director and associate superintendent. Another identified managing the district's financial exposure from private school placements and settlements among the objectives of the administrative changes.

The documents had been developed under the authority of Dr. Margaret Cage, MCPS's chief student support officer. During testimony, Cage maintained that the approval process concerned administrative arrangements following placement decisions, such as transportation, rather than the educational decisions themselves.

Baker rejected that explanation, finding that the procedures interfered with responsibilities assigned to IEP teams under the Individuals with Disabilities Education Act (IDEA).

Testimony from special education professionals was central to the proceedings. Kristin Ericson, a retired MCPS special education teacher with more than 40 years of experience, testified that the new procedures required staff to obtain supervisory approval before considering certain placement changes. She described concerns among experienced educators and said newer teachers might feel pressured to follow the directives rather than independently exercise their professional judgment.

Kala Shaw, an expert in federal special education policy, also testified that IDEA requires placement decisions to be made through the IEP process, with the participation of parents and educators familiar with the student's needs.

The judge examined not only the district's administrative procedures but also the student's experience after entering the SESES program.

Although the student's IEP provided for interaction with kindergarten peers during lunch, recess, and special classes, those opportunities were subsequently eliminated. The student ate lunch alone with an assigned adult and no longer participated in several activities with other students. The parents were not consulted before those changes occurred.

The decision also documented a lack of progress toward the student's educational goals and regression in some previously demonstrated skills.

The case arose against a broader financial backdrop. Specialized nonpublic placements represent a substantial expense for Maryland's public education system. According to the Maryland Department of Legislative Services, 4,142 students statewide were enrolled in such placements during fiscal year 2025, with state expenditures totaling approximately \$166.9 million. That figure does not include the full additional costs borne by local school systems.

Maryland's Nonpublic Tuition Assistance Program helps fund these placements when public school systems cannot provide appropriate educational services within their own programs. The amount paid for an individual placement varies according to the student's needs and the services provided.

In his decision, Baker concluded that MCPS had improperly restricted placement decisions, failed to meaningfully incorporate parental concerns, and denied the student the educational services required by federal law.

He ordered the district to fund the student's placement at the Lourie Center School for the remainder of the 2025–2026 school year and throughout the 2026–2027 school year, including educational services and transportation.

The ruling resulted from a due process complaint brought by the student's parents, rather than litigation initiated by an employee. The district had the right to seek judicial review of the administrative decision.

Source Documents

Maryland Office of Administrative Hearings, Decision No. 224200, April 24, 2026.

<https://parentscoalitionmd.substack.com/p/read-the-judges-decision-where-mcps>

Maryland Department of Legislative Services, FY 2027 Budget Analysis, Aid to Education.

<https://mgaleg.maryland.gov/pubs/budgetfiscal/2027fy-budget-docs-operating-R00A02-MSDE-Aid-to-Education.pdf>

Maryland State Department of Education, Nonpublic Tuition Assistance Program.

<https://marylandpublicschools.org/programs/pages/special-education/nonpublicsped/ntap.aspx>

U.S. Department of Education, IDEA Placement Requirements, 34 CFR § 300.116.

<https://sites.ed.gov/idea/regs/b/b/300.116>