

MONTGOMERY COUNTY PUBLIC

SCHOOLS

v.

XXXX XXXX,

STUDENT

*** BEFORE LOUIS N. HURWITZ,**

*** AN ADMINISTRATIVE LAW JUDGE**

*** OF THE MARYLAND OFFICE**

*** OF ADMINISTRATIVE HEARINGS**

*** OAH NO.: MSDE-MONT-OT-14-11792**

*** * * * ***

DECISION

STATEMENT OF THE CASE
ISSUES
SUMMARY OF THE EVIDENCE
FINDINGS OF FACT
DISCUSSION
CONCLUSIONS OF LAW
ORDER

STATEMENT OF THE CASE

On April 2, 2014, the Montgomery County Public Schools (MCPS) filed a Due Process Complaint with the Office of Administrative Hearings (OAH) requesting a hearing to review the identification, evaluation, or placement of XXXX XXXX (Student) by MCPS under the Individuals with Disabilities Education Act (IDEA). 20 U.S.C.A. § 1415(f)(1)(A) (2010). MCPS seeks a ruling that its assistive technology assessment of the Student was appropriate, and that an independent educational evaluation (IEE) of the Student at public expense, as requested by the Student's parent, XXXX XXXX (the Parent), is not warranted.

The relevant procedural history of this dispute, prior to the April 2, 2014 hearing request, is as follows. On November 26, 2013, December 19, 2013, and January 9, 2014, an MCPS Vision Technology Specialist conducted an assessment of the Student. At some point thereafter, the Parent requested an IEE concerning the Student's assistive technology needs. On April 2,

2014, MCPS filed a due process complaint with the OAH seeking a ruling that its assistive technology assessment of the Student was appropriate, and that an IEE of the Student at public expense, as requested by the Parent, is not warranted. On April 22, 2014, I conducted a Telephone Prehearing Conference (TPHC) with the Parent and MCPS counsel, Zvi Greismann, Esquire. A case resolution session was not required because MCPS filed the Due Process hearing request. MCPS did not request mediation. I issued a Prehearing Conference Report and Scheduling Order on April 23, 2014. A hearing on the merits was scheduled for May 13, 2014 and May 14, 2014, by agreement of the parties.

Federal regulations require that the due process hearing be heard, and a decision issued, within forty-five days of certain triggering events described in the federal regulations. OAH received the due process complaint on April 2, 2014. Neither party requested mediation and a resolution session is not required for a school system hearing request. 34 C.F.R. § 300.510(a). Therefore, the triggering event for the forty-five-day time period in this case was the filing of the due process request. 34 C.F.R. § 300.510(b) and (c); 34 C.F.R. §§ 300.515(a) and (c) (2013). Forty-five days from April 2, 2014, the date MCPS filed its due process hearing request, is May 16, 2014.¹ However, at the prehearing conference conducted on April 22, 2014, the parties expressly and on the record waived the timeframe requirements of 34 C.F.R. §§ 300.515(a) and (c) (2013), and jointly requested and agreed to an extension of time, until thirty days after the conclusion of the hearing, for me to issue a decision. 34 C.F.R. § 300.515; Md. Code Ann., Educ. § 8-413(h) (2014). At the hearing on May 13, 2014, the parties confirmed their waiver of the timeframe requirement and their request to extend the due date to June 12, 2014.²

¹ The due date is noted as Friday, May 16, 2014 because the actual forty-five day due date falls on a May 17, 2014, a Saturday.

² The due date would have been June 13, 2014, if the second hearing day of May 14, 2014 was needed.

On May 13, 2014, I presided at the hearing in this matter at MCPS' offices in Rockville, Maryland. The Student was represented by the Parent.³ MCPS was represented by Zvi Greismann, Esquire. The hearing concluded on May 13, 2014 without the necessity of a second day of hearing.

The legal authority for the hearing is as follows: IDEA, 20 U.S.C.A. § 1415(f) (2010); 34 C.F.R. § 300.511(a) (2013); Md. Code Ann., Educ. § 8-413(e)(1) (2014); and Code of Maryland Regulations (COMAR) 13A.05.01.15C.

Procedure in this case is governed by the contested case provisions of the Administrative Procedure Act; MSDE procedural regulations; and the Rules of Procedure of OAH. Md. Code Ann., State Gov't §§ 10-201 through 10-226 (2009 & Supp. 2013); COMAR 13A.05.01.15C; COMAR 28.02.01.

ISSUES

The issues are as follows:

- 1) Whether MCPS' assistive technology assessment of the Student in the latter part of 2013 and early part of 2014 was proper?
- 2) Whether MCPS should be required to pay for an IEE at the public's expense?

SUMMARY OF THE EVIDENCE

Exhibits

MCPS offered the following exhibits, which I admitted into evidence:

- MCPS Ex. # 1 - Assistive Technology Assessment, dated January 10, 2014
- MCPS Ex. # 2 - Functional Vision Report, dated January 10, 2014
- MCPS Ex. # 3 - Individualized Education Program (IEP), dated February 26, 2014

³ XXXX XXXX, Manager, Youth & Family Services, XXXX for the Blind, appeared in support of the Parent. Ms. XXXX did not participate in the hearing.

MCPS Ex. # 4 - *Curriculum Vitae* of XXXX (XXXX) XXXX, undated

MCPS Ex. # 5 - *Curriculum Vitae* of XXXX XXXX, undated

The Parent did not offer any exhibits for inclusion into evidence.

Testimony

MCPS presented the following witnesses:

- XXXX (XXXX) XXXX, MCPS Itinerant Teacher for the Vision Impaired and Assistive Technology Consultant, who was accepted as an expert in the fields of special education and assistive technology, each with an emphasis in teaching children with visual impairments.
- XXXX XXXX, MCPS Vision Instructional Specialist, who was accepted as an expert in the fields of special education, with an emphasis in teaching children with visual impairments, and the use of assistive technology for children with visual impairments.

The Parent did not testify on behalf of the Student nor did she call any other witnesses.

FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

1. The Student was born on XXXX, 2006.
2. The Student, who has a disability of visual impairment, is a second grader at [School] ([School]), an MCPS school, during the 2013-2014 school year.
3. The Student received home instruction until November 2013, when she started attending [School].

4. The Student has a diagnosis of XXXX, nystagmus, and strabismus. As of March 15, 2013, the Student was diagnosed by an ophthalmologist as having visual acuity of 20/200 in both eyes, with correction.
5. XXXX is a condition XXXX, which plays a role in the development of certain optic nerves. The condition usually causes vision problems, such as decreased vision acuity, reduced sharpness, nystagmus, and photophobia.
6. Nystagmus is defined as rapid, involuntary eye movements. Strabismus is a muscle imbalance often secondary to other vision conditions. It is the inability of both eyes to look directly at an object at the same time.
7. The Student is eligible for special education services under the educational code of visual impairment.
8. The areas affected by the Student's disability are vision, written expression, participation and organization. (MCPS Ex. #3).
9. The Student receives instruction in the general education classroom approximately 96% of the school day, with MCPS providing her with assistive technology to access the general education curriculum. The only time the Student is outside of the general education classroom is for technology training related to vision services, which takes approximately one hour and fifteen minutes each week. (MCPS Ex. #3).
10. Both the Parent and MCPS requested an assistive technology assessment to consider the Student's skills and needs and to provide guidelines for planning and implementing an assistive technology program tailored to her needs.
11. On November 26, 2013, MCPS began conducting an assistive technology assessment, which was performed by XXXX (XXXX) XXXX, M.S., an MCPS Vision Technology

Specialist. The assessment was continued on December 19, 2013 and January 9, 2014, at which time it was completed. Ms. XXXX is also an Assistive Technology Consultant for MCPS.

12. As part of the assessment, Ms. XXXX considered the Student's computer skills, taking into consideration her difficulty seeing the letters and numbers on the regular black-and-white keyboard, her struggling to see the mouse pointer, and her unfamiliarity with using a word processor for writing. Ms. XXXX introduced the magnification and screen-reading software ZoomText to the Student, with the Student quickly learning to increase or decrease the magnification through simple commands and to independently explore the program.
13. During the assessment, Ms. XXXX made note of the Student's current classroom use of the electronic magnifier VisioBook⁴ to enlarge printed material near at a distance. The Student takes advantage of the VisioBook camera to see the lessons presented on the Promethean board.⁵ She has become independent and proficient with the VisioBook. The device is a practical and efficient way for the Student to access the information presented on the Promethean board. The Student, however, needs to be reminded to open the VisioBook at the start of a lesson. The VisioBook is not practical for writing because the Student has difficulty keeping the text on the line when using the VisioBook.
14. Ms. XXXX made her own tablet device (an Apple iPad) available to the Student during the assessment. The Student tried and liked the iPad and the Read2Go application for reading books. She learned how to navigate the device and utilize the Read2Go

⁴ A VisioBook is a portable device. It has a screen and camera and enlarges text so it can be viewed at a distance.

⁵ A Promethean board is a lighted, interactive board which is accessed from a laptop. An instructor may project items from the internet onto the Promethean board.

application. Ms. XXXX showed the Student the application Go Read on an Android device, but she was not engaged with the application.

15. In conjunction with the assistive technology assessment, Ms. XXXX also conducted a functional vision assessment on November 26, 2013, December 12, 2013, December 19, 2013, January 2, 2014, and January 9, 2014. The purpose of this assessment was to determine the Student's current visual functioning and its impact upon her school performance. The goal was to determine the extent of the Student's disability and the level of vision support and accommodations needed for her to successfully access the curriculum.
16. In conducting the functional vision assessment, Ms. XXXX reviewed and considered medical information, the Parent's report and classroom observations. She also conducted a series of informal vision assessments.
17. The functional vision assessment revealed that the Student's near vision acuity in both eyes (without correction) is approximately 20/150 and her distance acuity 20/200, with some improvement when wearing her glasses.
18. As part of the functional vision assessment, Ms. XXXX conducted informal assessments in the following areas:
 - a. Visual acuity;
 - b. Color discrimination;
 - c. Figure/ground perception;
 - d. Depth perception;
 - e. Visual closure;
 - f. Eye-hand coordination; and

- g. Reading/writing efficiency.
19. Ms. XXXX used the SOSH Low Vision Chart to measure near and distance vision, *Ishihara's Tests for Colour Deficiency* to ascertain color discrimination, and Visual Closure Cards to test visual closure. Ms. XXXX utilized objects, pictures and books to measure figure/ground perception, depth perception, eye/hand coordination, and reading/writing efficiency.
20. As part of the functional vision assessment, Ms. XXXX administered the *Visual Efficiency Scale*, which is designed to assess the functioning of visual behaviors and responses to items of increasing complexity in size, detail and interpretation. The results were as follows:
- a. Nine out of twelve score in discriminating and matching geographic forms, object contour, light-dark intensity, and size and position in space;
 - b. Nine out of twelve score in discriminating and matching of figure size, object and abstract figure detail, position of figures in space, and image consistency of outlines, pattern details, and objects;
 - c. Nine out of twelve score in visual closure of figures, spatial perspective of figure outlines, and visual discrimination of matching objects and abstract figure details; and
 - d. Seven out of ten score in discriminating size, position, sequence, and relationship of letter and word symbols and groups of symbols.

21. Based on the results of the functional vision evaluation, Ms. XXXX strongly recommended the following accommodations and modifications:

- a. Use of 18-point print materials (or larger), unless a CCTV (Closed Circuit Television) device /magnifier is being provided;
- b. Use of a VisioBook for distance viewing;
- c. Provide a copy of Promethean materials;
- d. Use of a slant board;
- e. Use of a bar magnifier with a line guide;
- f. Minimize the length of activities that can cause eye strain and fatigue;
- g. Provide preferential seating, close to materials presented to the class, away from a window;
- h. Avoid glare; and
- i. Encourage the Student to speak up when she has difficulty seeing something.

22. Based on her assessment, in her Assistive Technology Assessment Report, dated January 10, 2014, Ms. XXXX made the following recommendations for the Student regarding assistive technology:

- a. Use of an adaptive keyboard (large print black letters on a yellow background);
- b. Learning touch-typing to increase her computer skills and reduce the strain on her eyes when looking at the keyboard;
- c. Learn keystrokes for some computer commands instead of using the mouse;
- d. Learn to use a screen magnification software program to access the computer;
- e. Continue using VisioBook in the classroom to access materials presented at a distance as well as to enlarge printed worksheets and books;

- f. Register on www.bookshare.org so that leisure reading books can be downloaded at home onto a computer or tablet device.
23. On February 26, 2014, MCPS convened an IEP Team meeting. The Parent, in addition to XXXX XXXX, from XXXX for the Blind, and MCPS representatives, including Ms. XXXX, were in attendance.
24. The IEP Team addressed the Student's present level of academic achievement and functional performance, considering teacher reports, Ms. XXXX's Functional Vision Assessment and Assistive Technology Assessment Reports, both dated January 10, 2014, while also considering input from the Parent. The Student IEP calls for instructional and testing accommodations, supplementary aids, services, program modifications and supports. The Student's goals include technology skills, which require a computer with screen magnifier and adaptive keyboard.
25. The IEP Team noted that the Student's vision impairment impacts her ability to access visual materials presented at a distance and near. It also impacts her performance in written expression.
26. At the IEP Team meeting, the Parent requested that an IEE regarding the Student's assistive technology needs be conducted by someone outside of MCPS. The Team referred the request to the special education supervisor.
27. The Parent questions the assistive technology assessment conducted by MCPS because it did not include a comprehensive evaluation of the use of an iPad by the Student. The Parent wants MCPS to consider the Student's possible use of an iPad connected to the classroom's Promethean board.

28. MCPS does not provide technical support for the iPad and has not approved the use of the iPad for purposes of connecting it to the interactive Promethean board in the classroom because of security issues regarding access to teachers' computer files.
29. The Student does not have access to VisioBook, which magnifies what is on the Promethean board, outside of the classroom setting.
30. The use and availability of assistive technologies is customized to the individual needs of a student.
31. VisioBook and ZoomText are only two of many assistive technologies that can be of assistance to the Student.
32. Although an iPad and numerous applications have many uses for a visually impaired student, the assistive technology tools recommended by Ms. XXXX are appropriate for the Student to access the general education curriculum.
33. The instruments and methodologies used in Ms. XXXX's assessment of the Student were technically sound, valid, and reliable. Ms. XXXX's assessment results are accurate and reliable.
34. The Student has access to the general education curriculum and is making educational progress as a result of the implementation of Ms. XXXX's assistive technology assessment recommendations.
35. On April 2, 2014, MCPS filed a due process complaint with OAH seeking a ruling that its assistive technology assessment of the Student was appropriate, and that an IEE of the Student at public expense, as requested by the Student's Parent, is not warranted.

DISCUSSION

When a local education agency performs an evaluation of a student, the student's parents have the right to seek an IEE as a procedural safeguard. 20 U.S.C.A. §1415(b)(1). However, the right to obtain an IEE at public expense is qualified. 34 C.F.R. §300.502 states the following in pertinent part:

(b) Parent right to evaluation at public expense.

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—

(i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or

(ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to §§ 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

(3) If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

The appropriateness of an evaluation, however, is not determined by the progress, or lack thereof, a student experiences after being evaluated, or whether everyone agrees with the findings and recommendations of an evaluation. Instead, regulations provide guidance in assessing whether an assessment is appropriate; 34 C.F.R. §300.304 requires that certain standards are met when assessing a child:

(b) Conduct of evaluation. In conducting the evaluation, the public agency must –

(1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child ...

(2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and

(3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(c) Other evaluation procedures. Each public agency must ensure that –

(1) Assessments and other evaluation materials used to assess a child under this part—

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

(ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

(iii) Are used for the purposes for which the assessments or measures are valid and reliable;

(iv) Are administered by trained and knowledgeable personnel; and

(v) Are administered in accordance with any instructions provided by the producer of the assessments.

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

(5) Assessments of children with disabilities who transfer from one public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and expeditiously as possible, consistent with § 300.301(d)(2) and (e), to ensure prompt completion of full evaluations.

(6) In evaluating each child with a disability under §§300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

Similarly, COMAR 13A.05.01.05C provides:

C. Assessment Materials.

(1) A public agency shall ensure that testing and assessment materials and procedures used to assess a student's need for special education and related services are:

(a) Technically sound; and

(b) Provided and administered in the student's native language or other mode of communication, in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer.

MCPS' position

MCPS maintained that the issue here is a narrow one, specifically whether its assistive technology assessment of the Student met the IDEA requirements outlined above. MCPS argued that its assistive technology assessment was appropriate and allowed the Student to access the MCPS curriculum, warranting denial of the Parent's request for an IEE at the school system's expense.

Parent's position

The Parent asserted that visually impaired students, such as the Student, need assistive technology skills, such as computers and electronic devices, to stay competitive. She noted that

technology skills are imperative for the employment of low vision students. The Parent argued that the iPad, which contains many computer applications and learning tools in one place, offers students the opportunity to become lifelong learners. She noted that the iPad is preferable to other devices because, with it, a student has access to tools and worksheets at the same time. The Parent also commented on the fact that the VisioBook is not available to the Student outside of school. She noted that she disagrees with MCPS' assistive technology assessment because it fails to consider the use of an iPad, which she maintained is an important and powerful tool for a visually impaired student such as her daughter.

Whether the MCPS assessment was appropriate

In this case, the expert testimony of the MCPS witnesses establishes that Ms. XXXX possessed the proper education, training, licensing, and qualifications to administer the tests and to interpret their results, as required by 34 C.F.R. §300.304(c)(1)(iv). MCPS Ex. 4. Indeed, the Parent did not object to the admission of either Ms. XXXX or Ms. XXXX as experts in the fields of special education and assistive technology, with Ms. XXXX's expertise focusing on teaching children with visual impairments and Ms. XXXX's expertise focusing on teaching children with visual impairments and the use of assistive technology for children with visual impairments. The Parent did not dispute that Ms. XXXX was qualified to conduct the functional vision testing and assistive technology assessment of the Student.

Moreover, it is clear that that the testing adhered to the requirements of 34 C.F.R. §300.304. As required by 34 C.F.R. §300.304(b)(1) and (2), MCPS did not rely on any single measure or assessment, but rather used a variety of assessment tools and measures as part of the Functional Vision Report, which formed the foundation for information on the Student's vision limitations and her needs. Although the Functional Vision Report and Assistive Technology

Assessment are two separate documents authored by Ms. XXXX, it is clear from their dates and content that the vision testing results reported in the former report played a part in the Assistive Technology Assessment. Ms. XXXX used the SOSH Low Vision Chart to measure near and distance vision, *Ishihara's Tests for Colour Deficiency* to ascertain color discrimination, Visual Closure Cards to test visual closure, and the *Visual Efficiency Scale* to measure visual efficiency. Ms. XXXX utilized objects, pictures and books to measure figure/ground perception, depth perception, eye/hand coordination, and reading/writing efficiency.⁶ MCPS Ex. #2.

In her testimony, Ms. XXXX thoroughly explained her assessment, noting that its purpose was to provide guidelines for technology assistance needed by the Student. She discussed the recommendations she enumerated in MCPS Ex. #1. Ms. XXXX also noted discussing with the Parent the latter's request to consider connecting an iPad with the Promethean board. Ms. XXXX noted that she is familiar with a number of assistive technology tools for visually impaired students. Ms. XXXX also remarked that the Student has made progress with her academics while using the technology tools she recommended.

MCPS also presented the testimony of XXXX XXXX, MCPS Vision Instructional Specialist, who is responsible for overseeing the instructional delivery system to visually impaired students in the MCPS system. Ms. XXXX noted that the assessments used by Ms. XXXX were appropriate for use in evaluating the Student. She also testified that the results of Ms. XXXX's assistive technology assessment are accurate and reliable.

Ms. XXXX explained that she is familiar with an iPad's multiple uses as a tool for vision impaired students and she is advocating for its use by MCPS. She also noted that, although the

⁶ COMAR 13A.05.01.05B(2) mirrors the federal regulations and requires that a variety of assessment tools be used to assist the IEP team in gathering relevant functional, cognitive, developmental, behavioral, and physical information and information provided by the parent.

iPad is an important assistive technology tool which is utilized in other local subdivisions, it is not the only assistive technology that can enable the Student access to the general education curriculum. Ms. XXXX further remarked that the assistive technology tools recommended by Ms. XXXX have allowed the Student to access the general education curriculum.

In sum, both expert witnesses credibly testified that the assistive technology assessment administered on November 26, 2013, December 19, 2013, and January 9, 2014 was sound, valid, reliable, and properly administered. Although the Parent had an opportunity to call her own experts, she declined to do so. In fact, the Parent elected not to present any evidence at the hearing. She challenged the assistive technology assessment in her opening and closing statements, which I explained was not evidence in this case, only oral argument. As a result, the testimony of MCPS' expert witnesses stands unrebutted by any testimony, expert or lay. I conclude that the testing and evaluation provided by MCPS complied with the requirements of 20 U.S.C.A. §1415(b)(1); 34 C.F.R. §§ 300.502, 300.304; and COMAR 13A.05.01.05C.

As discussed above, the critical question before me is not the *results* of the MCPS testing, but whether it was properly administered in accordance with the standards and requirements set forth above. It is also important to note that the applicable legal issues in this case do not require a determination that one assistive technology, *i.e.* - the iPad, is the best one or is better than the technology recommended, or that other jurisdictions are using it.

In this case, the evidence is overwhelming that that the assistive technology assessment conducted by MCPS was proper, comprehensive, and in compliance with the applicable law.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact and Discussion, I conclude as a matter of law that the MCPS assistive technology assessment of the Student was appropriate under the

applicable standards, and the Parent is not entitled to an IEE at public expense. 20 U.S.C.A. §1415(b)(1); 34 C.F.R. §§ 300.304, 300.502(b)(3); COMAR 13A.05.01.05C.

ORDER

I **ORDER** that the MCPS assistive technology assessment of November 26, 2013, December 19, 2013, and January 9, 2014 is appropriate and that the Parent's request for an IEE at public expense be denied.

May 30, 2014
Date Decision Mailed

Louis N. Hurwitz
Administrative Law Judge

LNH/fe

REVIEW RIGHTS

Within 120 calendar days of the issuance of the hearing decision, any party to the hearing may file an appeal from a final decision of the Office of Administrative Hearings to the federal District Court for Maryland or to the circuit court for the county in which the student resides. Md. Code Ann., Educ. §8-413(j) (2014).

Should a party file an appeal of the hearing decision, that party must notify the Assistant State Superintendent for Special Education, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, in writing, of the filing of the court action. The written notification of the filing of the court action must include the Office of Administrative Hearings case name and number, the date of the decision, and the county circuit or federal district court case name and docket number.

The Office of Administrative Hearings is not a party to any review process.