



Mohammed Choudhury  
State Superintendent of Schools

October 27, 2022

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Ms. Colleen Sasdelli  
Director of Special Education  
Harford County Public Schools  
102 South Hickory Avenue  
Bel Air, Maryland 21014

RE: [REDACTED]  
Reference: #23- 053

Dear Parties:

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

**ALLEGATION:**

On September 29, 2022, the MSDE received a complaint from Mr. [REDACTED] and Ms. [REDACTED] hereafter “the complainants,” on behalf of their son, the above-referenced student. In that correspondence, the complainants alleged that the Harford County Public School (HCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

The MSDE investigated the following allegations:

1. The HCPS has not ensured that the student was provided with the transportation services required by the Individualized Education Program (IEP) since September 28, 2022, in accordance with 34 CFR § 300.101.
2. The HCPS has not provided the parent with proper Prior Written Notice (PWN) of the decision to change transportation services since September 28, 2022, in accordance with 34 CFR §300.503.

**BACKGROUND:**

The student is three (3) years old and is identified as a student with Other Health Impairment under the IDEA. He attends [REDACTED] School’s [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**FINDINGS OF FACTS:**

1. The student's IEP, amended on September 28, 2022, reflects a related service of transportation starting on September 29, 2022.

“He is eligible to receive special transportation to school from home/daycare and back in order to access his special education services. The student will be transported in his wheelchair on the bus with proper securement of his wheelchair during transportation. A skilled nurse will accompany the student during transportation to monitor his medical needs. The skilled nurse will be positioned on the bus in a manner in which she can effectively monitor the student during transport. The student will be the last pick up and first drop off to minimize the time during transport. “

2. On October 3, 2022, the HCPS staff emailed the student's parents attaching the amended IEP dated September 28, 2022, and the PWN generated after the IEP team meeting held on September 28, 2022.
3. On October 3, 2022, the HCPS staff emailed the student's parents, stating that the HCPS will continue to offer mileage reimbursement for the student's transportation until parental input is received.
4. On October 9, 2022, the student's parents emailed the HCPS staff stating that the bus transportation would begin on October 10, 2022.
5. There is no documentation that the HCPS offered, or provided transportation services, to the student between September 29, 2022, through October 9, 2022.

**ALLEGATION #: 1                      Transportation Services**

**CONCLUSION:**

Based upon the Findings of Facts #5, the MSDE finds that the HCPS has not ensured that the student was provided with the transportation services required by the IEP since September 28, 2022, in accordance with 34 CFR § 300.101. Therefore, this office finds that a violation has occurred.

**ALLEGATION #: 2                      Provision of Prior Written Notice**

Prior written notice must be given to the parents of a child with a disability within a reasonable amount of time before the change is initiated 34 CFR §300.503.

**CONCLUSION:**

Based upon the Findings of Facts #1, the MSDE finds that the HCPS has not provided the parent with proper Prior Written Notice (PWN) of the decision to change transportation services since September 28, 2022, in accordance with 34 CFR §300.503, Therefore, this office finds that a violation has occurred.

Notwithstanding the violation, based on Findings of Fact #4, the MSDE finds that the HCPS did not immediately initiate the service despite the start date on the IEP, and initiated transportation within a reasonable amount of time following the IEP team meeting. Therefore, no student specific corrective action is required with respect to this allegation.

**CORRECTIVE ACTIONS/TIMELINES:**

The IDEA requires that State complaint procedures include those for 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, the MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

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

**Student Specific:**

The IEP team must determine whether the violation related to the lack of transportation services from September 29, 2022, through October 9, 2022, had a negative impact on the student's ability to benefit from the education program. If the team determines that there was a negative impact, it must also determine the amount and nature of compensatory services or other remedies to redress the violation and develop a plan for the provision of those services within a year of the date of this Letter of Findings.

**School-Based:**

The MSDE requires the HCPS to provide documentation by January 3, 2023, of the steps it has taken to ensure that [REDACTED] School staff properly implement the requirements for the provision of transportation services and PWN under the IDEA. These steps must include staff development. Evidence of the staff development session must be provided to the MSDE following the implementation.

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

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Ms. Colleen Sasdelli

October 27, 2022

Page 4

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 (15) 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 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. The MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Division of Early Intervention/Special Education Services

MEF: sd

c: Sean Bulson  
[REDACTED]  
Alison Barmat  
Gerald Loiacono  
Diane Eisenstadt  
Sarah Denney