



May 17, 2023



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

RE: [REDACTED]
Reference: #23- 180

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 March 22, 2023, MSDE received a complaint from Mr. [REDACTED] hereafter, “the complainant,” on behalf of his son, the above-referenced student. In that correspondence, the complainant alleged that the Harford County Public Schools (HCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The HCPS has not ensured that the student was provided with the special education instruction and accommodations, as required by the Individualized Education Program (IEP), since the start of the 2022-2023 school year, in accordance with 34 CFR §§300.101 and .323.
2. The HCPS did not ensure that the parent was provided with accessible copies of each document the IEP team planned to discuss at the February 9, 2023, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
3. The HCPS did not provide the parent with a copy of the completed IEP document within five business days after the IEP team meeting on March 9, 2023, in accordance with COMAR 13A.05.01.07.

BACKGROUND:

The student is ten years old and is identified as a student with a specific learning disability (dyslexia, dysgraphia, and dyscalculia) under the IDEA. He attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

ALLEGATION #1: PROVISION OF SPECIAL EDUCATION INSTRUCTION AND ACCOMMODATIONS

FINDINGS OF FACTS:

1. The student's IEP, developed on September 15, 2022, requires the provision of the following monthly services in the general education setting from a special education teacher, general education teacher, and an instructional assistant:
 - twelve thirty-minute sessions of specialized instruction in written language mechanics;
 - twelve twenty-minute sessions of specialized instruction in reading comprehension;
 - twelve twenty-minute sessions of specialized instruction in math problem solving; and
 - eight twenty-minute sessions of specialized instruction in self-management.
2. The student's IEP also requires that the student be provided with the following instructional and testing accommodations and supports:

On an "as needed" basis:

- general administration directions read aloud and repeated;
- redirect student;
- small group;
- separate or alternate location;
- reduce distractions to self;
- notes, and outlines;
- monitor test responses;
- extended time (1.5);
- verbal and visual prompts for placement and production of target sounds;
- specific line paper; and
- provide a copy of notes for science and social studies.

On a daily basis:

- limit amount to be copied from board;
- allow the use of highlighters during instruction assignments, and assessments;
- allow the use of organizational aids;
- repeated directions;
- have the student repeat or paraphrase information;
- monitor independent work;
- break down assignments into smaller units;
- chunking of text;
- provide manipulatives and/or sensory activities to promote listening and focusing skills;
- provide structured time for organization of materials;
- strategies to initiate and sustain attention;
- encourage the student to ask for assistance when needed; and
- preferential seating.

3. On March 9, 2023, the IEP team met and determined that he continued to require specialized instruction in written language mechanics and reading comprehension, at the same frequency previously required by his IEP. However, the IEP team determined that the student no longer required specialized instruction to address his self-management and required four additional twenty-minute sessions of specialized instruction per month to address his math goals.

4. The student's IEP, developed on March 9, 2023, requires the student to be provided with instructional and testing supports and accommodations:

On an "as-needed" basis:

- model clear articulation/ adequate volume of voice;
- provide positive feedback for correct production to encourage accurate articulation of sounds/ words; and
- specific lined paper.

On a daily basis:

- general administration directions read aloud and repeated as needed;
- redirect student;
- small group,
- separate or alternative location;
- reduce distractions to self;
- notes, and outlines;
- monitor test response;
- extended time (1.5);
- provide the student with a copy of student/ teacher notes;
- limit amount of copying from board;
- check for understanding;
- monitor independent work;
- repetition of directions;
- use of word bank to reinforce vocabulary and/or when extended writing is required;
- break down assignments into smaller units;
- chunking of texts;
- provide manipulatives and/or sensory activities to promote listening and focusing skills;
- provide structured time for organization of materials;
- strategies to initiate and sustain attention;
- encourage the student to ask for assistance when needed; and
- preferential seating.

5. There is documentation that the student was provided with the hours of special education services required by the IEP since the start of the 2022-2023 school year.
6. While there is documentation that the student was provided with some of the accommodations on his IEP since the start of the 2022-2023 school year, there is no documentation that the student was consistently provided with all of the required accommodations since the start of the 2022- 2023 school year.
7. While there is an accommodation and supplemental aids tracking document specifically designed for the student, there is no documentation of the consistent implementation of the document to track the provision of the accommodations and supplemental aids.

CONCLUSIONS:

Provision of Special Education Instruction

Based upon Findings of Facts #1- #5, MSDE finds that the HCPS has ensured that the student was provided with the special education instruction, as required by the Individualized Education Program (IEP), since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office does not find a violation occurred with respect to this aspect of allegation #1.

Provision of Accommodations

Based upon Findings of Facts #1- #4, and #6- #7, MSDE finds that the HCPS has not ensured that the student was provided with the accommodations, as required by the Individualized Education Program (IEP), since the start of the 2022- 2023 school year, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds a violation occurred with respect to this aspect of allegation #1.

ALLEGATION #2: PROVISION OF IEP DOCUMENTS FIVE DAYS PRIOR TO IEP TEAM MEETING

FINDINGS OF FACTS:

8. There is documentation that an IEP team meeting occurred on February 9, 2023.
9. The HCPS acknowledges that a violation occurred regarding the provision of the IEP documents five days before the IEP team meeting held on February 9, 2023.

CONCLUSIONS:

Based upon Findings of Facts #8 and #9, MSDE concurs with the HCPS conclusion that a violation occurred as to the provision of accessible copies of each document the IEP team planned to discuss at the February 9, 2023, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.

ALLEGATION #3: PROVISION OF IEP DOCUMENTS FIVE DAYS AFTER AN IEP TEAM MEETING

FINDINGS OF FACTS:

10. There is documentation that an IEP team meeting occurred on March 9, 2023.
11. There is email documentation from the HCPS staff to the student's parents, dated March 22, 2023, reflecting that the revised IEP from the March 9, 2023, IEP team meeting was attached to the email.
12. The HCPS acknowledges that a violation occurred regarding the provision of the IEP documents five days after the IEP team meeting held on March 9, 2023.

CONCLUSIONS:

Based upon Findings of Facts #10- 12, MSDE concurs with the HCPS conclusion that a violation occurred as to the provision of the completed IEP document within five business days after the IEP team meeting on March 9, 2023, to the parent, in accordance with COMAR 13A.05.01.07.

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, 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.¹ 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.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at diane.eisenstadt@maryland.gov.

Student Specific

MSDE requires the HCPS to provide documentation by July 1, 2023, that the student is being consistently provided with the accommodations and supports required by his IEP and that the IEP team has convened and determined whether the violation related to inconsistent provision of accommodations 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

MSDE requires the HCPS to provide documentation by July 1, 2023, of the steps taken to ensure that the violations regarding the inconsistent implementation of accommodations, lack of following required timelines to provide IEP documents five days prior to and five days after an IEP team meeting do not recur at [REDACTED] School. Those steps must include staff development, as well as tools created to document and monitor the provision of the required IEP accommodations and the provision of IEP documents five days prior to and five days after an IEP team meeting, and the provision of the completed monitoring tool to MSDE by July 15, 2023.

¹ 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.

² 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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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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins

Deputy Superintendent

Office of the Deputy Superintendent of Teaching and Learning

DMC: sd

c: Sean Bulson
Stephanie Swisher
Alison Barmat
Gerald Loiacono
Diane Eisenstadt
Sarah Denney
Nicol Elliott
Paige Bradford