

March 6, 2025

Ms. Robin Winternitz  
Educational Consultant/Advocate  
821 Delray Drive  
Forest Hill, Maryland 21050

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

RE: [REDACTED]  
Reference: # 25-224

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.

**ALLEGATION:**

On January 16, 2025, MSDE received a complaint from Ms. Robin Winternitz, hereafter, “the complainant,” on behalf of 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) concerning the above-referenced student.

MSDE investigated the allegation that the HCPS did not ensure that the student was comprehensively assessed in all areas of need when evaluating the student to determine if the student is a student with a disability requiring special education instruction since January 2024, in accordance with 34 CFR §§ 300.303-.311 and COMAR 13A.05.01.06. Specifically, you allege that the student was not comprehensively assessed for a specific learning disability in mathematics and attention deficit hyperactivity disorder (ADHD).

**BACKGROUND:**

The student is 11 years old and is identified as a student with a Specific Learning Disability (SLD) under the IDEA. She attends [REDACTED] School and has an IEP that requires the provision of special education instruction and related services.

### **FINDINGS OF FACT:**

1. The IEP, in effect since January 2024, was developed on November 10, 2023. The IEP reflects an annual review date of November 9, 2024. In addition, the IEP reflects the student's primary disability as SLD in mathematics ([REDACTED]), with the areas impacted by the disability as math calculation, math problem solving, and reading comprehension.
2. On May 31, 2024, the IEP team convened at the parent's request. The prior written notice (PWN) generated following the meeting reflects that the parent shared the student does "display difficulty attending to tasks in the home setting. Psychological reports from October 2023 indicated that [the student] did not exhibit significant signs or symptoms of ADHD or significant executive functioning deficits in the school setting."
3. On October 15, 2024, the IEP team convened to discuss reevaluation. The PWN generated following the meeting reflects that the student was assessed during the 2023-2024 school year, and an SLD in mathematics was identified. In addition, supplementary aids, services, and accommodations were developed to address attention. The IEP team determined fine motor, sensory, speech-language, and social-emotional (updated behavioral checklists) assessments would be conducted.

There is no documentation that an annual review was completed at this meeting or that a finalized IEP was developed.

4. There is documentation that an IEP team meeting was scheduled for December 10, 2024, and that it was canceled at the complainant's request.
5. There is documentation that an IEP team meeting was scheduled for January 21, 2025, and that it was canceled due to a snow day.
6. There is documentation that an IEP team meeting was scheduled for February 10, 2025, and that it was canceled at the complainant's request.
7. On February 21, 2025, the IEP team convened to conduct a reevaluation. The PWN generated following the IEP team meeting reflects that the IEP team reviewed occupational therapy, speech-language, psychological assessments, and a classroom observation. The "Conners, 4<sup>th</sup> Edition (Conners-4) and Comprehensive Executive Functioning Inventory (CEFI) was completed for [the student]. The results of the formalized rating scales do not indicate significant attentional or executive functioning concerns in the school setting." The PWN further reflects that the IEP team required a continuation meeting due to time constraints.

There is no documentation that an annual review was completed at this meeting or that a finalized IEP was developed.

### **DISCUSSIONS AND CONCLUSIONS:**

In this case, the student's IEP developed on November 10, 2023, reflects the student's primary disability as SLD in mathematics, specifically [REDACTED].

Furthermore, on May 31, 2024, the IEP team reviewed an October 2023 psychological report which reflected that the student did not exhibit significant signs or symptoms of ADHD. On October 15, 2024, the IEP team agreed to conduct behavior checklists for ADHD as part of a reevaluation. On February 21, 2025, the IEP team reviewed the behavior checklists for ADHD and determined that the formalized rating scales did not indicate significant attentional or executive functioning concerns in the school setting.

Based on Finding of Fact #1, MSDE finds that the HCPS did ensure that the student was comprehensively assessed in the area of a SLD for mathematics when evaluating the student to determine if the student is a student with a disability requiring special education instruction since January 2024. As part of their evaluation, they reviewed existing data and determined that because this is already an identified area of need, additional assessments were not needed. The team conducted additional assessment in the area of attention to determine whether that was an additional area of need. Based on Findings of Fact #2, #3, and #7, the HCPS did ensure that the student was comprehensively assessed to determine if the student is a student with a disability requiring special education instruction since January 2024, in accordance with 34 CFR §§ 300.303-.311 and COMAR 13A.05.01.06. Therefore, MSDE does not find a violation.

#### **ADDITIONAL VIOLATION IDENTIFIED DURING THE COURSE OF THE INVESTIGATION**

##### **Annual Review**

A public agency shall ensure that the IEP team meets periodically, but not less than annually, to review and revise the IEP (34 CFR § 300.324).

In this case, the IEP team convened on October 15, 2024, with the purpose of discussing a reevaluation, however, there is no documentation that they completed an annual review on this date, therefore, ensuring that a finalized IEP was not developed within the required timeframe.

Based on Findings of Fact #1, and #3, MSDE finds that the HCPS has not ensured that the IEP team convened to conduct an annual review resulting in a finalized IEP on or before November 9, 2024, in order to ensure that the IEP was reviewed at least annually, in accordance with 34 CFR § 300.324. Therefore, MSDE finds a violation.

#### **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 HCPS to provide documentation by May 19, 2025, that the IEP team has taken the following action:

- a. Conducted an annual review and revised the student's IEP as appropriate
- b. Determined whether the delay in completing the annual review had a negative effect on the student's progress, and if so, determined appropriate compensatory services or other remedy to address that negative effect; and
- c. Developed a plan for the implementation of the services within one year of the date of this Letter of Findings.

The HCPS must ensure that the IEP team considers the difference between the student's present and expected levels of performance when determining the services needed to remediate the violations.

The HCPS 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 HCPS to provide an internal monitoring report for 10 randomly selected students at [REDACTED] School reflecting their annual review dates. If their annual reviews have not been conducted within the year, there must be IEP team meetings scheduled to determine whether there has been any negative impact to their progress, and if so, the team must develop a plan to address that impact. The monitoring report must be submitted to MSDE prior to, or by April 30, 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 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 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 at [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. Sean Bulson, Superintendent, HCPS  
Stephanie Swisher, SE Coordinator of Compliance, HCPS  
[REDACTED], School Principal, [REDACTED] School, HCPS  
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