



September 13, 2022

[REDACTED]

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

RE: [REDACTED]  
Reference: #23- 018

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 August 1, 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 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.

The MSDE investigated the allegation that the HCPS has not ensured that the student was provided with the transportation services required by his Individualized Education Program (IEP) since April 20, 2022, in accordance with 34 CFR §§300.101 and 323.

**BACKGROUND:**

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

**FINDINGS OF FACTS:**

1. The student’s IEP developed on April 4, 2022, indicates that the student is “mobile, and can ambulate however he tires quickly and may need to revert to a wheelchair when fatigued or in need of a break.” The student’s IEP requires that he be provided with access to his wheelchair, as needed. The IEP team determined that “A school staff member will transport the student’s wheelchair to and from the transportation vehicle as well as from place to place with him throughout the school day.”

2. On July 5, 2022, HCPS staff informed the parent that the student's wheelchair would be transported separately from the student because the chair would not fit in the vehicle used to transport the student.
3. On July 5, 2022, the parent indicated that the student's wheelchair should remain "on person" throughout the duration of transportation. The HCPS offered to schedule an IEP team meeting to address the parent's concerns.
4. On July 27, 2022, the IEP team met to consider the parent's concerns. During the IEP team meeting, the HCPS staff explained that there was no vehicle available that could accommodate the student's car seat and the student's wheelchair.
5. There is documentation that the student and the student's wheelchair have been transported consistently to the student's school.

**CONCLUSIONS:**

Based upon the findings of facts #1- #4, the MSDE finds that the HCPS has ensured that the student was provided with the transportation services required by his Individualized Education Program (IEP) since April 20, 2022, in accordance with 34 CFR §§300.101 and 323.

**TIMELINE:**

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  
Gerald Loiacono

[REDACTED]  
Diane Eisenstadt

Alison Barmat  
Sarah Denney