



Mohammed Choudhury
State Superintendent of Schools

October 21, 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- 045

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 19, 2022, the MSDE received a complaint from Mr. [REDACTED] and Ms. [REDACTED] hereafter “the complainant,” on behalf of their son, the above-referenced student. In that correspondence, the complainant 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 allegation that the HCPS has not ensured that the student has been provided with a Free Appropriate Public Education (FAPE) based on his inability to access his education due to the lack of his wheelchair since September 9, 2022, in accordance with 34 CFR §300.323.

BACKGROUND:

The student is three (3) years old and is identified as a student with Other Health Impairment under the IDEA. He attends [REDACTED] School’s [REDACTED] and has an Individualized Educational Program (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 has the accommodation to access his wheelchair as needed during the school day.

2. The HCPS Physical Therapy (PT) consultant's observation report, which was finalized on August 2, 2022, reflects that the HCPS has alternate wheelchair options that are appropriate for the student's transportation needs within the school setting.
3. The Prior Written Notice (PWN) generated following the July 27, 2022, IEP team meeting reflects:

"The student's parent wants the student to have access to their wheelchair as this is what is outlined in his IEP, and his wheelchair was designed specifically for him."
4. There is email documentation dated September 9, 2022, from the parent to the HCPS Director of transportation reflecting that the student's wheelchair was broken on that day.
5. There is email documentation dated September 11, 2022, reflecting that HCPS is able to provide alternate wheelchair options for the student.

"Since the student is using the wheelchair for rest breaks and to reduce fatigue during long-distance travel within the school setting, HCPS would like to utilize the alternate equipment shared by the PT after the IEP meeting on 7/27/22, until the next steps regarding repair/replacement of the wheelchair is determined. HCPS feels confident that we can meet the student's needs for rest breaks and travel of long distances with the alternate equipment. (...) We look forward to seeing the student in school tomorrow and will work with you to address any concerns that you may have in the interim period."
6. The student's attendance records reflect absences on September 14, 2022, September 16, 2022, September 19, 2022, and September 21, 2022.

CONCLUSION:

Based upon the Findings of Facts #1- #6, the MSDE finds that the HCPS has ensured that the student has been provided with a Free Appropriate Public Education (FAPE) based on his inability to access his education due to the lack of his wheelchair since September 9, 2022, in accordance with 34 CFR §300.323. Therefore, this office does not find that a violation occurred.

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.

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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