

February 6, 2025



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

RE: [REDACTED]  
Reference: #25-168

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and 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.

**ALLEGATIONS:**

On December 10, 2024, MSDE received a complaint from [REDACTED], “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) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The HCPS has not followed proper procedures when conducting a reevaluation of the student since January 2024, in accordance with 34 CFR §§ 300.303-.306 and COMAR 13A.05.01.06.
2. The HCPS did not ensure that the parent was provided with accessible copies of each document the Individualized Education Program (IEP) team planned to discuss at the October 2024, IEP team meeting at least five business days before the scheduled meeting, in accordance with COMAR 13A.05.01.07.
3. The HCPS did follow proper procedure when reviewing and revising the IEP to add the accommodation requested from Appendix D in the student’s IEP during the IEP meeting in October 2024, in accordance with 34 CFR §§ 300.324(a)(1)(ii) and 324(b)(1).
4. The HCPS did not provide prior written notice of the IEP team decisions from the IEP team meetings since October 2024, in accordance with 34 CFR § 300.503. Specifically, you allege, the PWN does not reflect the IEP team's initial decisions.

5. The HCPS did not follow proper procedures when responding to a request to amend the student's education record since October 2024, in accordance with 34 CFR §§ 300.618 - .621.
6. The HCPS has not ensured that the student has been provided with supplemental aids, services, and accommodation as required by the IEP since the start of the 2024- 2025 school, in accordance with 34 CFR §§ 300.101 and .323.

**BACKGROUND:**

The student is 11 years old and is identified as a student with a Specific Learning Disability under the IDEA. During the 2023- 2024 school year, the student attended [REDACTED]. The student currently attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**FINDING OF FACTS:**

1. On December 12, 2023, the HCPS generated a Notice of IEP Team Meeting for a meeting to be held on January 24, 2024, to consider reevaluation of the student to determine the need for additional data, determine services, and/or determine the continued eligibility.
2. On January 24, 2024, the IEP team convened to consider the need for formal assessments to determine continued eligibility for special education services. The Prior Written Notice (PWN) generated after the meeting reflects that the IEP team reviewed data collected by the special educator and general educators, including classroom-based assessments, county benchmarks, informal assessments aligned with the state curriculum, parent input, grade reports, and observations.

The IEP team determined that the existing information was sufficient at that time to confirm the student's continued eligibility for special education services as a student with a specific learning disability and determined no additional assessments were required.

The IEP team discussed the continuation of services in reading, written expression, and math. The PWN reflects the complainant verbally agreed with the proposed actions.

3. On January 24, 2024, the HCPS generated a Notice of No Assessment Needed, indicating that the IEP team determined no additional information or data was needed to determine the present level of academic achievement and developmental needs.
4. The PWN does not reflect that the IEP team reviewed the criteria under IDEA to determine whether the student qualifies for a specific learning disability, nor does it document that the team reviewed or completed the Specific Learning Disability Team Report.
5. On February 6, 2024, the IEP team convened to conduct the student's annual review. The PWN reflects that the IEP team proposes to review and approve the draft IEP. The school system proposed that special education services address the student's needs in reading, math, and written language. Additionally, the IEP team proposed considering special considerations and accommodations to support access to the general education curriculum, determine participation in statewide assessments, and evaluate the need for extended school year services.

6. On September 16, 2024, the HCPS scheduled an IEP team meeting at the request of the parent. A Notice of IEP Team Meeting was generated for a meeting to be held on October 8, 2024.
7. On October 8, 2024, the IEP team convened at the request of the parent. During this meeting, the complainant expressed concerns that the student was denied access to a calculator in the first unit of math (calculation). The complainant expresses the student is also having difficulty with science, struggling with interactive media, is not able to keep up with the classwork, and has some missing assignments. Members of the IEP team updated the complainant regarding her concerns and confirmed that the student did not take any math assessments without a calculator. The complainant expressed concern that she would like to “add human reader to all classes.” It was proposed that the team have an additional IEP meeting to complete the Appendix D worksheet, to determine if the student qualified for a human reader in reading.
8. The IEP in effect as of October 8, 2024, was developed on February 6, 2024. The IEP indicates that the student requires an assistive technology (AT) device and will have access to both a human reader and text-to-speech software (when available) during Math and Science assessments, as well as for instructional and statewide assessments. Additionally, the student requires access to a human reader or text-to-speech software for text and graphics in the areas of math, science, and social studies. The student requires access to both a human reader and text-to-speech software (when available) during instruction.
9. On October 10, 2024, the HCPS generated a Notice of IEP Team Meeting for a meeting to be held on October 29, 2024, to review existing information, consider reevaluation, and if appropriate revise the IEP.
10. On October 10, 2024, via email, the complainant received the following from a member of the IEP team:
  - Formal invitation for the October 29, 2024, meeting;
  - Updated invitation from the October 8, 2024, meeting (clarifying the attendee’s roles and including the aunt);
  - PWN from October 8, 2024;
  - Meeting attendance from the October 8, 2024, meeting; and
  - Parental Rights booklet.
11. On October 22, 2024, via email, the complainant received a data chart of the student’s informal data that “analyzed her reading needs.”
12. On October 29, 2024, the IEP team convened at the request of the parent to review the student’s IEP. The IEP team also discussed the identification/eligibility, reviewed and revised the IEP as appropriate, and discussed Appendix D.

The PWN reflects that the complainant’s expressed concerns regarding several of the students’ accommodations and that the student was not receiving a human reader as accommodation in all other classes.

During the IEP meeting, the team reviewed various assessments, behavior observations, teacher input, and parental input to determine whether the student qualifies for a human reader accommodation in reading using the Appendix D worksheet. The PWN reflects that the IEP team reviewed the Appendix D worksheet and determined the data from her reading intervention class showed stronger performance in reading compared to writing and spelling, with notable progress over the year. The complainant questioned the validity of some informal assessments. The team discussed differences between accommodations for different subjects in 1r/1s (1r: Text to Speech for the Mathematics, Science, and Government Assessments/ 1s: Human Reader or Human Signer Mathematics, Science, and Government Assessments) and 3i/3k (3i: Text to Speech for the ELA/Literacy Assessments/ 3k: Human reader for ELA) and determined that the student did not qualify for text-to-speech or a human reader for ELA/literacy per the worksheet. The complainant and her advocate disagreed with this decision.

The PWN reflects that the IEP team also discussed the email sent by the complainant to the school team on October 24, 2024, requesting that the student be formally tested by an educational evaluator and psychologist. The IEP team proposed completing formal assessments due to concerns about the validity of the informal assessments shared at the meeting. Although both evaluators were present, the PWN reflects that the complainant declined to update formal assessments or conduct a re-evaluation, citing concerns that the data "might lead to a loss of accommodations" for the student. The IEP team proposed a school-based meeting with the student's teachers and administration to ensure proper implementation of her IEP.

The IEP team amended the student's IEP to include:

- Verbatim Reading Support;
- Teacher Notes/Completed Notes;
- Accommodation Trackers (hard copy and Microsoft forms);
- Parent Communication;
- Chunking of text; and
- Math Notebook.

13. On November 4, 2024, via email, a member of the IEP team emailed the complainant the advocate to inform them that after a review of the student's IEP records, they discovered that "there are documents that the previous IEP team neglected to complete, including the initial eligibility form and specific learning disability documents and regain compliance, they would like to propose collecting formal data so that these documents can be completed."
14. On November 4, 2024, the complainant received an email from a member of the IEP team providing a "summary of the discussions and decisions made" during the IEP meeting held on October 29, 2024. Along with her "personal notes", she attached:
  - Official meeting PWN drafted amendment (to be closed and finalized upon your approval);
  - Parental Rights and Procedural Safeguards; and
  - Packet Appendix D "(to be initialed, the initial only indicating you that received it)."
15. On November 13, 2024, the complainant received an email from another member of the IEP team providing an "updated PWN" in response to the complainant's request for an addendum following the IEP meeting held on October 29, 2024, along with a request for a copy of the update. The email also reflects that the IEP team member "also included a more thorough explanation of the assessments reviewed during the IEP meeting and the agreed upon supplementary aids that were revised or added to [the student's] IEP."

16. On December 2, 2024, via email, a member of the IEP summarized a phone conversation held between the complainant and the staff member. The email noted the recommendation of an “out of sequence reevaluation” so that the IEP eligibility can be completed for the student and will determine the necessity for additional data. The email also had an updated version of the PWN that now included the “side-by-side comparison chart” the complainant provided in the initial addendum request.
17. On December 13, 2024, the parent received an email from a member of the IEP team providing her with a “Notice and Consent for Assessment” for the recommendation of updated assessments and a draft IEP for review from the meeting held on October 29, 2024.
18. There is documentation that the IEP team completed the Appendix D worksheet during the IEP meeting held on October 29, 2024.
19. There is documentation that the student has been provided with supplemental aids, services, and accommodation as required by the IEP since the start of the 2024- 2023 school year.

#### **DISCUSSIONS AND CONCLUSIONS:**

##### **ALLEGATION #1**

##### **PROPER PROCEDURES FOR CONDUCTING A REEVALUATION OF THE STUDENT**

The IDEA requires that the IEP address the needs that arise from the student’s disability regardless of the category of disability determined by the IEP team. When conducting a reevaluation, the public agency must ensure that the student is assessed in all areas related to the suspected disability, and that the reevaluation is sufficiently comprehensive to identify all of the student’s special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified. A variety of assessment tools and strategies must be used to gather relevant functional, developmental, and academic information about the student, including information provided by the parents, to assist the team in determining whether the student is a student with a disability and in determining the content of the student’s IEP (34 CFR § 300.304).

When a student is suspected of having an SLD, the IEP team shall prepare a written report that includes a statement of whether the student has a specific learning disability, the basis for making the determination, the relevant behaviors, if any, noted during the observation of the student, the relationship of the behaviors to the student’s academic functioning, the educationally relevant medical findings, if any, the determination of the IEP team concerning the effects of visual, hearing, motor disability, mental retardation, emotional disturbance, cultural factors, environmental, economic disadvantage, or limited English proficiency on the student’s achievement level.

If the student participated in a process to assess the student’s response to scientific, research-based interventions, the written report must also including a statement of the instructional strategies used and the student-centered data collected, the documentation that the student’s performance data that would be collected and the general education services that would be provided, strategies for increasing the student’s rate of learning, and the parents’ right to request an evaluation. The written certification of each IEP team member as to whether the written report reflects the member’s conclusion (34 CFR § 300.311 and COMAR 13A.05.01.06(D)).



### **CORRECTIVE ACTIONS AND 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<sup>1</sup>. This office will follow up with the public agency to ensure that it completes the required actions consistent with 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 April 1, 2025, that the IEP team has convened, discussed, and determined whether the student requires additional assessments to establish continued eligibility for special education services. As part of this process, the IEP team must review the criteria under IDEA to determine if the student qualifies for a specific learning disability and complete the Specific Learning Disability Team Report.

The IEP team must also determine whether the violation related to the allegations in this Letter of Finding 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 remedy 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.

The HCPS must ensure that the complainant is provided with written notice of the team's decisions. The complainant maintains the right to request mediation or to file a due process complaint to resolve any disagreement with the team's decisions.

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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, 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.

### School-Based

MSDE requires the HCPS to provide documentation by April 30, 2025, of the steps it has taken to ensure that the staff at Homestead [REDACTED] properly implements the requirements for conducting a reevaluation and determining eligibility under each disability code under IDEA.

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. 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/sj

c: Sean Bulson, Superintendent, HCPS  
[REDACTED], Principal, HCPS  
[REDACTED], Principal, HCPS  
[REDACTED], Principal, HCPS  
Alison Barmat, Branch Chief, Family Support and Dispute Resolution, MSDE  
Dr. Paige Bradford, Section Chief, Performance Support and Technical Assistance, MSDE  
Dr. Brian Morrison, Branch Chief, Policy and Accountability, MSDE  
Nicole Green, Compliance Specialist, MSDE  
Tracy Givens, Section Chief, Dispute Resolution, MSDE  
Stephanie James, Complaint Investigator, MSDE