



Karen B. Salmon, Ph.D.
State Superintendent of Schools

April 22, 2019

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Ms. Trinell Bowman
Director of Special Education
Prince George's County Public Schools
1400 Nalley Terrace
Landover, Maryland 20785

RE: XXXXX
Reference: #19-119

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 of the final results of the investigation.

ALLEGATION:

On February 22, 2019, the MSDE received a complaint from Ms. XXXXXXXXX, hereafter “the complainant,” on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince George’s County Public Schools (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the student.

The MSDE investigated the allegation that the PGCPS did not ensure that proper procedures were followed when using physical restraint with the student, on January 18, 2019, in accordance with COMAR 13A.08.04.

BACKGROUND:

The student is six (6) years old and is identified as a student with Multiple Disabilities under the IDEA including Autism and an Emotional Disability. He is in the first (1st) grade and has an IEP that requires the provision of special education and related services. The student attends XXXXXXXXXXXXX, a nonpublic separate special education school, where he was placed by the PGCPS.

FINDINGS OF FACTS:

1. On January 18, 2019, the school administration staff completed a “Critical/Emergency Incident Report” (Critical Incident Report) documenting that the student exhibited “physical aggression” towards the school staff that included hitting, “punching,” “tantruming” and “pushing.”
2. The Critical Incident Report documents that the school staff utilized behavioral supports to deescalate the student, including proximity control, verbal redirection and warnings, and that the school staff used a “physical escort” to remove him from the classroom.
3. The Critical Incident Report does not document that the school staff used restraint with the student on January 18, 2019.¹
4. On January 19, 2019, the parent sent electronic mail (email) correspondence to the school staff stating that the student “sustained a broken wrist” on January 18, 2019 and reporting her belief that the injury occurred “as a result from [a school person’s] attempt to aid [the student] during a crisis.” The parent also noted that the student had bruising under his left arm which the student reported occurred from being “grabbed” by the school staff on January 18, 2019.
5. Also on January 19, 2019, the school administration staff contacted the parent by telephone and agreed to conduct an investigation of her concerns.
6. Following its investigation, the school administration staff completed an “Injury Incident Report” that reflects that the student was “aggressive” towards the school staff on January 18, 2019 and that he “fell to the ground” after being released from an escort by the school staff to the seclusion room. The Injury Incident Report states that the student did not report his injury to the school staff at the time it occurred.
7. The Injury Incident Report does not document that the school staff used restraint with the student on January 18, 2019.
8. On January 23, 2019, the school administration staff met with the parent to discuss her concerns and the results of its investigation.

CONCLUSION:

Based on the Findings of Facts #1 - #8, the MSDE finds that the documentation does not support the allegation. Therefore, the MSDE does not find a violation occurred with respect to this allegation.

¹ The Critical Incident Report reflects that the school staff used seclusion with the student on this date and followed proper procedures for the use of seclusion.

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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.

Questions regarding the findings and conclusions contained in this letter should be addressed to this office in writing. The complainants 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
and Special Education Services

MEF/ksa

c: Monica Goldson
Gwendolyn Mason
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