

April 24, 2025

[REDACTED]

Ms. Trinell Bowman  
Associate Superintendent-Special Education  
Prince George's County Public Schools  
John Carroll Center  
1400 Nalley Terrace  
Landover, Maryland 20785

RE: [REDACTED]

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.

**ALLEGATIONS:**

On February 27, 2025, MSDE received a complaint from [REDACTED], 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) concerning the student.

MSDE investigated the following allegations:

1. The PGCPS has not ensured that the Individualized Education Program (IEP) team has addressed the parent's concerns regarding the student's behavior and safety since December 2024, in accordance with 34 CFR § 300.324.
2. The PGCPS has not developed an IEP that addresses the student's identified behavior and safety needs since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.324.
3. The PGCPS did not ensure that proper procedures were followed when the student was physically removed from class on February 20, 2025, in accordance with COMAR 13A.08.04.05.

**BACKGROUND:**

The student is nine years old and is identified as a student with Autism under the IDEA. The student attends [REDACTED] and has an IEP that requires the provision of special education instruction and related services.

**ALLEGATIONS #1 and #3**

**ADDRESSING PARENT CONCERN AND USE OF PHYSICAL RESTRAINT**

**FINDINGS OF FACT:**

1. On February 20, 2025, the student was involved in an incident that resulted in his removal from the classroom. The incident report reflects that the student displayed unsafe and disruptive behaviors in the classroom, including verbal refusal, screaming, throwing items, pounding on desks, and running around the room. The report reflects that a PGCPs staff member attempted various de-escalation strategies, such as verbal redirection, cueing, First-Then language, visual prompts, offering choices and a calming space, and using his body as a protective barrier between the student and his classmates. The report reflects that when the strategies proved ineffective and the behaviors continued to escalate, the PGCPs staff "carried (bent knees to become eye-level, gave another verbal request for calm body, slowly picked up student, and moved scholar to hallway to calm down." It is noted that the duration of the "carry" was approximately 30-40 seconds.

The incident reports the following as "actions taken":

- The Autism Coordinator and teacher contacted the parent by phone.
  - Incident and applicable Administrative Procedures reviewed by Autism Coordinator and Principal.
  - The principal and Autism Coordinator identified next steps for teachers professional development.
  - The principal and Autism Coordinator identified next steps for creating a safety plan.
2. On February 24, 2025, the complainant emailed members of the IEP team to express concern regarding the February 20, 2025 incident, in which the student was "reportedly picked up" and removed from the classroom. The email indicated that the student was not removed using the "crisis plan intervention protocol." The complainant requested a copy of the "paperwork<sup>1</sup>" related to the student's removal and inquired about the strategies currently being employed to help regulate the student using positive interventions.
  3. On February 26, 2025, a member of the IEP team emailed the complainant, sharing that the student was "not restrained in which paperwork would be completed. He was "physically escorted" out of the classroom by [Staff member]. [Staff member] will be attending training on de-escalation techniques and the recommended techniques for physically escorting a student out of the classroom." She recommended that the IEP team reconvene to review a de-escalation protocol and discuss the strategies being used for the student to help him de-escalate.
  4. On March 5, 2025, a PGCPs administrator, emailed the complainant as a follow-up. The email reflects the school team will:
    - Increase the number of staff members supervising recess from two to three adults to enhance student safety.
    - The Autism Program Coordinator will consult with the Autism Specialist to develop a safety plan that outlines de-escalation strategies and supervision around peers.
    - Administrative team members will observe recess once per week for the next four weeks to monitor and assess student interactions and safety procedures.
    - The Autism Program Coordinator will consult with classroom staff on direct social skills

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<sup>1</sup> ( ) training in education equips staff with strategies to prevent, de-escalate, and safely manage disruptive and challenging behaviors.

- lessons to support scholars with interactions amongst each other.
  - Provided clarification on the video footage the complainant requested, notes the student does not elope during school hours and that the December 13, 2024, incident was an outlier as no other incidents have been reported.
5. On March 12, 2025, the IEP team convened to review the safety plan created for the student. The Prior Written Notice (PWN) generated after the meeting reflects, the IEP team reviewed multiple factors, including an incidents that occurred on December 3, 2024 resulting in injury of the student, and an incident that occurred on February 20, 2025 resulting in the student being removed from the classroom for safety reasons, as well as input from the complainant, advocate, in-home Board Certified Behavior Analyst BCBA, Compliance Specialist, Special Educator, Principal, Autism Coordinator, and Crisis Intervention Resource Teacher. The complainant and advocate expressed concerns about the student being escorted from the classroom, while the Autism Coordinator clarified that the safety plan includes steps to regulate the student before removal. In response to the complainant's request, the school system proposed sending incident reports for both incidents, implementing a safety plan, and establishing a daily home-school communication system. Additionally, the advocate suggested incorporating relevant psychological report findings into the student's IEP. The team also proposed removing "offering a break" as a strategy when the student is escalated and determined to reconvene within 30 days to review and revise his IEP.
  6. On March 17, 2025, PGCPs generated a Student Accident Report and a Student Incident Report for an incident that occurred on December 3, 2024. The incident report reflects the nature of the incident and the steps taken to enhance recess safety: Increased the number of staff members supervising recess from two to three adults to enhance student safety, developed a safety plan that outlines de-escalation strategies and supervision around peers.

The reports were provided to the complainant on March 19, 2025.

7. On March 17, 2025, the PGCPs, emailed the complainant the procedure to request video footage from the February 20, 2025, incident.
8. On March 23, 2025, PCCPS generated a Notice of IEP Team Meeting for an IEP meeting scheduled for April 1, 2025, to review and, if appropriate, revise the IEP.

## **DISCUSSION AND CONCLUSIONS:**

### **Addressing parent concern**

In this complaint, the complainant alleged that the student was injured at school and that her concerns regarding the student's safety and injuries were not being addressed.

Based on Findings of Fact #1 through #8, MSDE finds the PGCPs has ensured that the IEP team has addressed the parent's concerns regarding the student's behavior and safety since December 2024, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

### **Use of physical restraint**

Physical restraint means a personal restriction that immobilizes a student or reduces the ability of a student to move their torso, arms, legs, or head freely. Physical restraint does not include:

- (i) Briefly holding a student in order to calm or comfort the student;
- (ii) Holding a student's hand or arm to escort the student safely from one area to another;
- (iii) Moving a disruptive student who is unwilling to leave the area when other methods

such as counseling have been unsuccessful; or  
(iv) Breaking up a fight in the school building or on school grounds in accordance with Education Article § 7-307, Annotated Code of Maryland. (COMAR 13A.08.04.02).

### **The use of physical restraint**

The use of physical restraint is prohibited in public agencies and nonpublic schools unless:

- (i) Physical restraint is necessary to protect the student or another individual from imminent, serious physical harm<sup>2</sup>; and
- (ii) Other less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student.

Physical restraint shall only be implemented and monitored by school personnel who are trained in the appropriate use of physical restraint consistent with COMAR 13A.08.04.06C.

In applying physical restraint, school personnel shall only use reasonable force as is necessary to protect a student or other person from imminent, serious physical harm. The physical restraint shall be removed as soon as the student no longer poses a threat of imminent, serious physical harm, and may not exceed 30 minutes.

In applying physical restraint, school personnel may not:

- (i) Place a student in a face-down position;
- (ii) Place a student in any other position that will obstruct a student's airway or otherwise impair a student's ability to breathe, obstruct school personnel's view of a student's face, restrict a student's ability to communicate distress, or place pressure on a student's head, neck, or torso; or
- (iii) Straddle a student's torso. (COMAR 13A.08.04.05A).

In this case, although various de-escalation strategies were attempted, they were ineffective. As a result, the PGCPs staff member “carried” the student—bending his knees, picking the student up, and moving him to the hallway—in order to remove him from the classroom. While the law states that physical restraint does not include moving a disruptive student who is unwilling to leave an area after other methods, such as counseling, have been unsuccessful, the PGCPs staff member is neither a counselor nor trained in the appropriate use of physical restraint, as required by COMAR 13A.08.04.06C.

Based on Findings of Fact #1 through #3, MSDE finds the PGCPs did not ensure that proper procedures were followed when the student was physically removed from class on February 20, 2025, in accordance with COMAR 13A.08.04.05. Therefore, MSDE finds a violation.

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<sup>2</sup> Serious physical harm has the same meaning as “serious bodily injury” as defined in 18 U.S.C. §1365(h)(3). (COMAR 13A.08.03.02) “Serious bodily injury” means an injury inflicted on another individual that results in:

1. A substantial risk of death;
2. Extreme physical pain;
3. Protracted and obvious disfigurement; or
4. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty in accordance with 18 U.S.C. § 1365(h)(3).

Notwithstanding the violation, MSDE acknowledges the actions of the administration and IEP team after the incident on February 20, 2025. The school team has:

- Held an IEP meeting to discuss the incident and created a safety plan for the student;
- The administration held an administrative conference with the PGCPs staff member to review and strengthen the de-escalation techniques used by the staff member; and
- The PGCPs staff member was **registered** to become certified in [REDACTED].

Proof of the staff members completion of [REDACTED] training must be provided to MSDE on or before August 30, 2025.

Because there is a plan being developed, including professional development and a safety plan for the student, no additional student-specific actions are required, however, PGCPs must complete the planned actions prior to the start of the 2025-2026 school year. The safety plan must be added to the student's IEP prior to June 1, 2025.

## **ALLEGATION #2 IEP THAT ADDRESSES THE STUDENT'S NEEDS**

9. The IEP in effect at the start of the 2024-2025 school year was developed on January 18, 2024, and amended on April 29, 2024. The IEP reflects that math calculation, reading comprehension, reading phonemic awareness, speech-language expressive language, speech-language pragmatics, speech-language receptive language, written language expression, self-management, social-emotional/behavioral, and adaptive are areas impacted by the student's disability. The IEP requires 23 hours and 20 minutes per week of special education instruction outside the general education setting provided by the special education teacher or the IEP team inside of a self-contained classroom and 2 hours a month of speech-language services outside of the general education classroom as a related service.
10. The April 29, 2024, IEP reflects that the student's expressive and receptive language delays affect how verbal language, both oral and written, is used and understood, resulting in difficulty making meaning of words in context. He primarily uses two- to three-word phrases to request, comment, answer, and ask questions.
11. The IEP reflects that the student does require assistive technology (AT) device(s) but does not require AT service(s). Throughout the day, the student is engaged in activities that involve commenting, requesting, and answering questions. The student is responding to modeling of expanded phrases with the CORE boards.
12. The IEP reflects the following behavior goals: The social emotional/behavioral goal reflects "In the classroom environment, [Student] will utilize positive talk and coping strategies (i.e., deep breathing, stretching, etc.) to handle work demands in which he manifests defiant behavior (i.e. saying no, running around room, verbally refusing task), demonstrated by engaging in a 20-minute activity or situation in a calm manner with one prompt on 3 out of 5 occasions."

The progress reported on April 16, 2024, and June 10, 2024, reflects the student was "Making sufficient progress to meet goal." The progress report reflects the student is making progress toward his goal, successfully using positive talk and coping skills for 5-10 minutes. While he still struggles beyond 15 minutes, he has achieved objective #1. However, the progress reported on October 31, 2024, reflects the student was "Not making sufficient progress to meet goal."

The second social emotional/behavioral goal reflects “When presented with a problem (i.e., non-preferred task, frustrating situation, criticism/correction), [Student] will accurately determine the size of the problem (big problem, little problem) and determine the appropriate emotional response (take a break, talk with teacher, take a deep breath, replace frustration with good thoughts, etc.) and return to task at hand in 4 out of 5 trials as measured by teacher charted data.”

The progress reported on April 16, 2024, June 10, 2024, and October 31, 2024, reflects the student was “Making sufficient progress to meet goal.”

13. On January 16, 2025, the IEP team convened for the student’s annual IEP meeting. The PWN generated after the meeting reflects that the IEP team reviewed all formal and informal assessments, evaluations, observations, and school records and proposed that a Functional Behavior Assessment (FBA) was warranted.

In addition, during the meeting, the IEP team discussed the missed speech-language sessions and the impact on the student resulting from a Speech-Language Pathologist vacancy from October 1 to December 9, 2024. As a result, the student is owed 12 missed sessions. The PWN reflects that the school system will contact the parents to determine how those sessions will be provided.

14. On January 16, 2025, PGCPs generated a Notice and Consent for Assessment form to conduct a FBA, which the complainant signed on February 24, 2025. The consent form states that the evaluation results would be received no later than 60 days after consent.

15. The January 16, 2025, Present Levels of Academic Achievement and Functional Performance (PLAAFP) reflects that the student experiences challenges with self-regulation and self-control. He exhibits erratic and disruptive behaviors when prompted to begin academic tasks. These behaviors often escalate from calm compliance to loud, combative outbursts at the mention of starting work, suggesting a learned response. His episodes include yelling, flailing, running, and throwing objects or himself to the ground. Following these outbursts, the IEP reflects the student commonly repeats, “I’m sorry,” but is unable to explain what he is apologizing for and often quickly returns to the same behaviors despite adult intervention.

The IEP also reflects that the student experiences challenges in the area of self-management. The student is allowed to visit the quiet corner of the classroom when experiencing emotional difficulties. While he occasionally uses this space, he is inconsistent in taking advantage of the opportunity to separate himself to calm down. Although the sensory room and hallway walks have been offered as alternatives, these strategies have proven ineffective, as the student resists leaving the classroom.

16. The social emotional/behavioral goal reflects: “By January 6, 2026, given a written assignment to describe their physical response (e.g., increased heart rate, sweaty palms, flushed face) to a strong emotion from (2) options (e.g., anger or joy), and a written and illustrated anchor chart of physiological responses, [Student] will describe (1) physical response they have in reaction to (1) self-selected strong emotion, scoring (2 out of 2) rubric points on (4 out of 5) progress monitoring assessments. (Describe Physical Responses to Strong Emotions).”
  - Method of Measurement: Observation Record
  - Criteria (Mastery and Retention) with: 4 out of 5 trials.
17. The second social emotional/behavioral goal reflects: “By January 6, 2026, when verbally prompted to practice handling a hypothetical high-pressure situation, [Student] will practice (1) self-selected coping strategy (e.g., deep breathing, visualization) by demonstrating (1) observable element (e.g. chest rising/falling, thinking aloud while visualizing) for (20) seconds, for (4 out of 5) practice

sessions, as measured by an observation tool. (Practice Handling High-Pressure Situations.”

- Method of Measurement: Observation Record
- Criteria (Mastery and Retention) with: 4 out of 5 trials.

18. The speech-language goals are continued from prior IEP.

19. The IEP requires the provision of supplementary aids, services, and accommodations. In the area of Social/Behavioral Support(s):

- Token Board- Daily
- Advance preparation for schedule changes- Daily

### **CONCLUSION:**

Based on Findings of Fact #9 through #19, MSDE finds that the PGCPS has developed an IEP that addresses the student’s identified behavior needs since the start of the 2024-2025 school year, in accordance with 34 CFR § 300.324. Therefore, MSDE does not find a violation.

### **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 timeframes below to ensure that noncompliance is corrected in a timely manner<sup>3</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>4</sup>. Ms. Green can be reached at (410) 767-7770 or by email at [nicole.green@maryland.gov](mailto:nicole.green@maryland.gov).

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. Requests for reconsideration must be sent to Tracy Givens, Section Chief, Dispute Resolution Branch, 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.

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<sup>3</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, 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>4</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.

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

AH/sj

c: Millard House II, Chief Executive Officer, PGCPs  
Keith Marston, Compliance Instructional Supervisor, PGCPs  
Lois Jones-Smith, Compliance Liaison, PGCPs  
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