



April 6, 2023



Ms. Chris Wittle  
Director of Special Education  
Carroll County Public Schools  
125 North Court Street  
Westminster, Maryland 21157

RE: [REDACTED]  
Reference: #23-150

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 February 14, 2023, MSDE received a complaint from Ms. [REDACTED] hereafter, “the complainant,” on behalf of her son, the above-referenced student. In that correspondence, the complainant alleged that the Carroll County Public Schools (CCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the allegation that the CCPS has not followed proper procedures when using seclusion with the student since February 14, 2022, with the exception of November 10, 2022 (which was investigated in Complaint #23-111), in accordance with COMAR 13A.08.04.05.

**BACKGROUND:**

The student is eleven years old and is identified as a student with Autism under the IDEA. He attended [REDACTED] a nonpublic school where he is placed by the CCPS. He has an IEP that requires the provision of special education instruction and related services.

**ALLEGATION #1:                      SECLUSION**

**FINDINGS OF FACTS:**

1. The student’s IEP, developed on May 16, 2022, reflects that consent for the use of seclusion was given by the parent on May 23, 2022.

2. On December 9, 2022, January 27, 2023, January 31, 2023, and February 9, 2023, the student was escorted to the "Resource Room" by a staff member at his school in response to behavioral incidents.
3. A review of video footage of the resource room was conducted on March 22, 2023, by MSDE. Each occasion demonstrates that the student remained in the room for only a few minutes on each occasion and was either accompanied in the room by an adult or was able to leave the room.

**DISCUSSIONS/CONCLUSIONS:**

Seclusion under Maryland law is the confinement of a student alone in a room, an enclosure, or any other space from which the student is physically prevented from leaving. Seclusion does not include a behavior intervention plan of separating a student by placing the student into a nonlocked room from which the student is allowed to leave (Md. Code, Education Article § 7-1101.)

In this complaint, the parent alleges that the school staff utilized a "resource room" to seclude the student. Based upon the Finding of Facts #1 - #3, MSDE finds that each time the student was removed from his classroom and escorted to the room, the student was not secluded in the room since February 14, 2022<sup>1</sup>, in accordance with COMAR 13A.08.04.05. Therefore, this office does not find that a violation has occurred with respect to this aspect of the allegation.

**CORRECTIVE ACTIONS/TIMELINES:**

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. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins  
Deputy Superintendent  
Office of the Deputy Superintendent of Teaching and Learning

DMC: sd

c:

Cynthia McCabe  
Alison Barmat  
Diane Eisenstadt

Gerald Loiacono  
Sarah Denney

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<sup>1</sup> This finding excludes the incident that occurred on November 10, 2023, which was investigated in State Complaint #23-111.