



January 04, 2022

Ms. Marcella E. Franczkowski, M.S.  
Assistant State Superintendent  
Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
200 West Baltimore Street  
Baltimore, Maryland 21201

Re: Special Education State Complaint

Dear Ms. Franczkowski:

I am writing to file a complaint on behalf of my son [REDACTED] (the Student) regarding his education in the Prince George's County Public Schools (the District). I believe that the District is in violation of certain requirements in the Individuals with Disabilities Education Act (IDEA), its implementing regulations (the Regulations) and related Code of Maryland Regulations (COMAR). **This complaint describes safety issues which require immediate attention.** The details about the complaint are as follows:

**Student Information:**

*Name of the Student:* [REDACTED]

*Date of Birth:* [REDACTED]

*Address:* [REDACTED]

*Student Identification Number:* [REDACTED]

*Local Education Agency (LEA):* PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS (PGCPS)

*School(s) where alleged violation(s) occurred:* [REDACTED]

[REDACTED]

*School the Student Currently Attending:* [REDACTED]

[REDACTED]

**Complainant Information:**

*Name of the Requester:* HAMEED JAMARUSSADIQ

*Relationship to the Student:* FATHER

*Address:* [REDACTED]

*Telephone Number(s):* [REDACTED]

**Student Background:**

The Student is a sixteen (16) years old boy with Autism and Epilepsy, and is a child with disability under the IDEA. The District has placed the Student at the [REDACTED] [REDACTED] (the School), a non-public separate day school, to receive Free Appropriate Public Education (FAPE).

**Allegation #1:**

The District did not ensure that the Student's Safety Vest was used in the school bus consistent with the instructions from its manufacturer, in accordance with 34 CFR §300.101,.323 and COMAR 13A.05.01.09.

*Date(s) violation(s) occurred or duration of the violation:* Since August 30, 2021.

As required in the Student's Individualized Education Program (IEP), the Student needs a Safety Vest for transportation in the school bus between the Student's home and the School. The District did not comply with the instructions from the Safety Vest manufacturer for using the Safety Vest for the Student in the school bus.

According to the manufacturer, after the Student wears the Safety Vest, the Safety Vest must be hooked to Seat Mount attached to school bus seat and seat mount straps must be tightened. The school bus staff did not tighten the seat mount straps after attaching the Safety Vest to the Seat Mount. As a result, the Student was able to move away from the seat and reach other students and/or bus staff during behavior incidents from his behaviors due to Autism. This also poses safety risk for the Student. The manufacturer warns that death or serious injury can occur if manufacturer's instructions are not followed correctly and the the manufacturer is not liable for injury if the recommendations are not followed. The Safety Vest was so loosely attached to the Seat Mount to the extend that Safety Vest came off of the Student's shoulder at several times. The Student was able to bounce from the seat while his Safety Vest was hooked to the Seat Mount, because the Safety Vest was so loosely attached to the Seat Mount.

There were times, the Student was able to swing to reach the students in the nearby seats because the Safety Vest was so loosely attached to the Seat Mount.

After seating the Student with the Safety Vest, the bottom D rings of the Safety Vest must be attached to the tether hooks of the Seat Mount. After this step, the Seat Mount should be rotated to tighten the bottom tether hooks. The school bus staff did not perform this rotation or tightening as instructed by the Safety Vest manufacturer. After attaching the top tether hooks of the Seat Mount to the tether slots on the shoulder adjusters of the Student's Safety Vest, the Seat Mount straps must be tightened by pulling the webbing through the tilt lock adjuster on Seat Mount. The school bus staff did not perform this pulling, tightening or adjustment as instructed by the Safety Vest manufacturer. They just simply hooked Safety Vest to the Seat Mount without doing any tightening or adjustment.

The Safety Vest was so loose to the extend that anyone who has used a seat belt in a car can easily and will likely point out that there is something wrong in the way the Safety Vest was attached to the Seat Mount. However, the bus drivers, bus attendants, transportation supervisors or transportation coordinators did not demonstrate that there was problem in the way Safety Vest was used.

**Proposed Resolution:**

1. Within five (5) days of the date of this letter, the District should provide me with a written confirmation that the the procedures in practice for using Safety Vest in the school bus for the Student will be revised fully in conformance with instructions from the manufacturer of the Safety Vest, including, but not limited to, tightening and adjusting of Seat Mount straps, with effect from no later than ten (10) days of the date of this letter;
2. Within ten (10) days of the date of this letter, the District should start fully following the manufacturer's instructions for the Safety Vest for using the Safety Vest for the Student while the Student is transported in the school buses;
3. Within seven (7) days of the date of this letter, the District should provide me with a written confirmation that it has completed trainings for Transportation Operations Supervisors, Transportation Coordinators, Bus Lot Supervisors, Transportation Supervisors, Bus Drivers and Bus Attendants assigned for the Student and/or his school bus on how to use Safety Vest in the school bus consistent with the instructions from the manufacturer of the Safety Vest;

4. Within five (5) days of the date of this letter, the District should provide me with a written confirmation that it will be providing copies of any and all school bus surveillance videos for the school bus the Student is transported, for ten (10) different days when the Student is transported, following the date of this letter;
5. Within ten (10) days of the date of this letter, the District should provide me with a written agreement enforceable in federal courts that the Student will be transported in the school bus with Safety Vest in full conformance with the instructions from the manufacturer of the Safety Vest for the Safety Vest, as long as the Safety Vest is used for the Student in the school bus;
6. Within ten (10) days of the date of this letter, the District should provide you and me with a written confirmation that it has completed trainings for Transportation Operations Supervisors, Transportation Coordinators, Bus Lot Supervisors, Transportation Supervisors, Bus Drivers, Bus Attendants assigned for all children with disabilities in the District who requires Safety Vest in the school bus fully consistent with the instructions from the manufacturer of the respective Safety Vests;
7. Within twenty (20) days of the date of this letter, but not earlier than ten (10) days of the date of this letter, the District should provide me with written confirmation that the Safety Vest of the Student is being used in the school bus in full conformance with manufacturer's instructions of the Safety Vest;
8. Within thirty (30) days of the date of this letter, the District should provide me with copies of any and all school bus surveillance videos for the school bus the Student is transported, for ten (10) different days when the Student is transported, following the date of this letter; and
9. The District should identify the steps it has taken to ensure that the each and every issues identified in this letter would not reoccur. Documentation of the steps identified should be provided to me within fifteen (15) days of the date of this letter.

All of the above must be implemented. All confirmations referred above must be consistent with facts. The District must comply with all requirements in the IDEA, its implementing regulations, and COMAR for each of the steps described above.

By copy of this letter I am requesting the District to confirm the receipt of this letter, review the matters in this letter with appropriate school system and school personnel

and resolve the issues per the proposed resolution as soon as possible but not later than the timelines provided in the proposed resolution.

By copy of this letter, I also would like to remind the District that federal laws and regulations prohibit public entities and recipients of Federal Financial Assistance (FFA) from taking actions, towards the Student or any of his immediate family members, to harass, intimidate, threaten, coerce or discriminate them, because I filed a complaint with you asserting the Student's right to receive FAPE and the Student's right to not being discriminated based on his disability. I request the District to take proactive measures to ensure that violations described in this paragraph do not occur.

I request you to ensure that this complaint is processed in accordance with the IDEA and its implementing regulations complying with all procedural requirements. I also request you to provide procedures for effective implementation of corrective actions to achieve compliance as required by the IDEA and its implementing regulations.

Please contact me to confirm the receipt of this letter, to talk with me to clarify the allegations before starting the investigation, to set up times for your investigators to talk to me and to establish timelines for completing the investigation. If you need further information or clarification, I can be reached at the contact numbers provided in this letter.

Sincerely,

A black rectangular box redacting the signature of Hameed Jamarussadiq.

Hameed Jamarussadiq

c: Trinell Bowman, Associate Superintendent for Special Education, PGCPs  
Charoscar Coleman, Associate Superintendent for Supporting Services, PGCPs  
Rudolph Saunders, Director of Transportation and Central Garage, PGCPs