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United States Government Accountability Office
Washington, DC 20548

Forensic Audits and Special Investigations

May 14, 2009

Patty S. Pitts, Assistant Superintendent
Teacher Education & Licensure
Commonwealth of Virginia Department of Education
P.O. Box 2120
Richmond, VA 23218-2120

Dear Ms. Pitts,

This is a response to your request that we refer information regarding Dawn Marie Hamilton, who currently holds a teaching license despite a ruling which found reason to believe that she had abused a child.

The Government Accountability Office (GAO) is an independent, nonpartisan agency that works for Congress. Our work is done at the request of congressional committees or subcommittees or is mandated by public laws or committee reports.¹

To assist in their efforts to help protect children, the U. S. House of Representatives Committee on Education and Labor recently asked GAO to investigate the use of restraint, seclusion, and harmful aversive handling of children and youth in private and public schools. The Committee asked GAO to 1) verify whether allegations of student death and abuse from the use of restraints or seclusions in public and private schools are widespread and 2) examine the facts and circumstances surrounding selected closed criminal, civil, or administrative cases where a student died or suffered abuse as a result of being secluded or restrained. We will report our findings to the Committee in a hearing on May 19, 2009.

One of our cases involves a teacher, Dawn Marie Hamilton, who had a Texas administrative law judge sustain a finding that there was reason to believe she physically abused her student, Cedrick Napoleon, by restraining him until he died. This teacher was placed in the Texas Central Registry – a listing of individuals found to have abused and neglected children. Before the administrative law judge issued her final decision and order, Dawn Marie Hamilton's Texas teaching certificate expired. We found no indication that the Texas State Board for Educator Certification took punitive action or implemented further measures that would link this finding to her expired teaching certificate.

GAO's investigation further revealed that this same teacher now holds a license to teach in the Commonwealth of Virginia and works at a public high school in Loudoun County, Virginia.

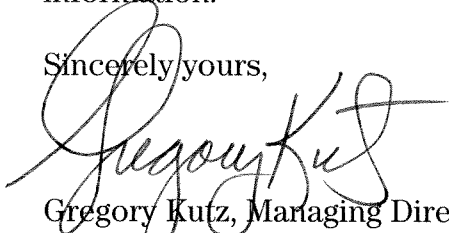
¹ For more information about GAO's Mission and work, please visit www.gao.gov

In previous communications with one of our agents, you indicated that this is a situation that would warrant an investigation by your department, pursuant to Code of Virginia section 22.1-298.1 "Regulations governing licensure,"² and could possibly involve violations of other related Virginia state laws.

At your request, we are referring this matter to your department for review and further investigation, and providing a copy of the administrative law judge's decision and order upholding the Texas Department of Family and Protective Service's finding of child abuse. In the event there are other state or local agencies with oversight and or investigative authority regarding the issue, please notify us and forward as appropriate.

We have assigned control number 53663 to this referral. Please use this control number in future correspondence. Finally, we also request that you let us know of your initial disposition within 60 days of receiving this letter and the final result of your inquiry. You may contact Assistant Director Andy O'Connell at (202) 512-7449 or Senior Special Agent Christine A. Hodakievic at (202) 512-3562 for further information.

Sincerely yours,



Gregory Kutz, Managing Director
Forensic Audits and Special Investigations

Enclosures

² Va. Code Ann. § 22.1-298. states in part, "The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § 63.2-1526 have been exhausted."