




September 5, 2023




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

RE:   
Reference: #24-004

Dear Parties:


The Maryland State Department of Education (MSDE), Division of Early Intervention Special Education Services (DEI/SES), 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.

**ALLEGATIONS:**

On July 7, 2023, MSDE received a complaint from Mr.  hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince George's County Public School (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the allegation that the PGCPS did not ensure that the student was provided with toileting and handwashing support on July 6, 2023, as required by his Individualized Education Program (IEP), in accordance with 34 CFR §§300.101 and .323.

**BACKGROUND:**

The student is eighteen years old, is identified as a student with Autism under the IDEA, and has an IEP that requires the provision of special education and related services. The student is placed by the PGCPS at the  a nonpublic, separate, special education school.

**FINDINGS OF FACTS:**

1. The student's IEP, in effect on July 6, 2023, states that the student requires:

"staff support if he has a bowel movement; he cannot clean himself. Staff will have access to gloves, a gown, and wipes to assist the student in cleaning. To avoid the

student from touching feces, a drape may be placed over the students' lap and staff can prompt Insaaf to clasp hands together.

-In the bathroom, visual aides to support routines such as proper handwashing techniques will be posted by the sink, but staff may have to guide Insaaf through handwashing. [the student] will also have visual aides available to request a bathroom break.

-As [the student] demonstrates the ability to complete bathroom sequences and procedures without maladaptive behaviors, staff support will fade to allow for bathroom independence. "

2. While there is documentation that staff have been trained in the strategies to support the student in toileting, and that plan is in place to ensure that the student is provided with appropriate supports, there is not documentation that the student was provided with appropriate toileting support on July 6, 2023.

#### **DISCUSSION/CONCLUSIONS:**

Based on Findings of Facts #1 and #2, MSDE finds that there is no documentation that the student was consistently provided with toileting support as required by his IEP, on July 6, 2023, in accordance with 34 CFR §§300.101 and .323. Therefore, this office finds that a violation occurred with respect to this allegation.

#### **CORRECTIVE ACTIONS/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 time frames below to ensure that noncompliance is corrected in a timely manner. 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. Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action. Ms. Eisenstadt can be reached at (410) 767-7770 or by email at [diane.eisenstadt@maryland.gov](mailto:diane.eisenstadt@maryland.gov).

MSDE requires the PGCPs to provide MSDE with documentation that it has developed a process to document the consistent implementation of the toileting supports required by the student's IEP by October 1, 2023.

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.

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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

DC/gl

c: Millard House, II  
Keith Marston  
Lois Jones-Smith  
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Diane Eisenstadt  
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