

April 5, 2024

[REDACTED]  
[REDACTED]  
[REDACTED]

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

RE: [REDACTED]  
Reference: #24-151

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 February 27, 2024, MSDE received a complaint from Mr. [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) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. That the PGCPS did not follow proper procedures in following the toileting and handwashing protocols as required by the student's Individualized Education Program (IEP) on February 26, 2024, in accordance with 34 CFR §300.101.
2. That the PGCPS did not provide the student with an extra set of clothes on February 21, 2024, and February 26, 2024, as required by the student's IEP, in accordance with 34 CFR §300.101.

**BACKGROUND:**

The student is 18 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 [REDACTED], a nonpublic, separate, special education school.

**FINDINGS OF FACTS:**

1. The student's IEP in effect on February 21 and 26, 2024, is dated May 10, 2023, and was amended on November 30, 2023.

2. The student's May 10, 2023, IEP includes a supplementary aid and program modification requiring staff to "monitor toileting." In relevant part on the IEP, the description of the manner in which the "monitor toileting" will be implemented states:

[The student] requires staff support if he has a bowel movement; he cannot clean himself. Staff will have access to gloves, gowns, and wipes to assist [the student] in cleaning. To avoid [the student] touching feces, a drape may be placed over [the student's] lap and staff can prompt [the student] to clasp hands together.

In the bathroom, visual aids to support routines such as proper handwashing techniques will be posted by the sink, but staff may have to guide [the student] through handwashing.

[The student] should have a change of clothes at school.

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Information regarding toileting and handwashing procedures from the Home-School Communication Log which is sent home daily and has been in effect since October 5, 2023, will be used in conjunction with staff input to monitor the student's progress with toileting and handwashing.

3. The IEP states the student "should" have a change of clothes at school. The prior written notice (PWN) from the November 30, 2023, IEP team meeting clarifies that the student is to have extra clothes at school and regular communication between the home and school using the student's daily communication log should be used to inform the student's parents when additional clothing is needed so the parents can provide it.
4. On November 30, 2023, the IEP team convened to address violations identified in multiple MSDE complaints. In relevant part, the PWN from that meeting reflects that the IEP team proposed to take the following action regarding the student's change of clothes in the school setting: "Action Proposed #1: The PGCPs proposed to revise the [student's] current Individual Education Plan (IEP) to reflect that the Home-School Communication Log includes information that indicates when a change of clothes is needed for [the student] and indicates what type of clothing is needed. The school team also agreed to indicate what type of clothing needs to be replaced (i.e. pants or shirt) per the parents recommendation."
5. There is documentation that extra clothes were reported as needed in the school setting for the student on February 21, 2024, through the daily communication log.
6. On February 26, 2024, the student's daily communication log reflects that proper toileting and handwashing protocols were followed while the student was in the school setting.<sup>1</sup>
7. There is documentation through the student's communication log that extra shirts were reported to be needed in the school setting on February 26, 2024.

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<sup>1</sup> In addition to the toileting requirements on the student's IEP, the student's bathroom protocol requires that he be prompted to use the bathroom every 20 minutes, use toilet paper, wash his hands, and that visual aids be posted to remind him of the steps. Implementation of this protocol is reported to the complainant on a daily basis.

**DISCUSSION/CONCLUSIONS:**

**Allegation #1: TOILETING AND HANDWASHING PROTOCOL**

Based on Findings of Fact #1 through #7, MSDE finds that the PGCPs did follow proper procedures in following the toileting and handwashing protocols as required by the student's IEP on February 26, 2024, in accordance with 34 CFR §300.101. Therefore, there is no violation concerning allegation #1.

**Allegation #2: EXTRA CLOTHING IN SCHOOL**

Based on Findings of Fact #1 through #7, MSDE finds that although the PGCPs did not provide the student with an extra set of clothes on February 21, 2024, and February 26, 2024, they were not required to do so by the student's IEP. The IEP states that the student "should" have an extra set of clothes at school, not that they are required to. The PGCPs did inform the complainant of the need for extra clothes by the agreed upon method, in accordance with 34 CFR §300.101. Therefore, there is no violation concerning allegation #2.

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,

Antoine Hickman, Ed.D.  
Assistant State Superintendent  
Division of Early Intervention/Special Education Services

ALH/abb

c: Millard House, II, Superintendent, PGCPs  
Keith Marston, Supervisor Special Education Compliance, PGCPs  
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