


December 31, 2024




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: #25-119

Dear Parties:

The Maryland State Department of Education (MSDE), Division of Early Intervention and 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 on the final results of the investigation.

**ALLEGATIONS:**

On November 1, 2024, MSDE received a complaint from , 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) concerning the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS did not provide the parent access to the student's education records of the student, which were requested for inspection and review prior to an Individualized Education Program (IEP) meeting since November 2, 2024[sic], in accordance with 34 CFR § 300.613, .501 and COMAR 13A.05.01.11.<sup>1</sup>
2. The PGCPS did not ensure that the IEP team considered information from the most recent speech-language and psychological assessment reports while revising the IEP at the November 2, 2024[sic], IEP team meeting, in accordance with 34 CFR §300.324 and COMAR 13A.05.01.08.
3. The PGCPS did not ensure that the IEP team addressed the student's mother's concern, that the student was sent home wearing clothes which were not his, while revising the IEP at the

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<sup>1</sup> In support of this allegation, the complainant provided documentation of a request for access to the student's record made on October 26, 2023. This document was investigated in case # 24-135, and is also beyond one year of the date that this complaint has been filed. Neither party has submitted documentation of other requests for access of student records with respect to this complaint. Accordingly, MSDE will not be investigating this allegation.

November 2, 2024 [sic], IEP team meeting, in accordance with 34 CFR §300.324 and COMAR 13A.05.01.08.

4. The PGCPs did not ensure that the student's progress with toileting and handwashing were monitored as required by the student's IEP since November 2, 2023, through April 29, 2024, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09.
5. The PGCPs did not ensure that quarterly updates on the student's progress in toileting and handwashing procedures were provided as required by the student's IEP during second quarter of 2023-2024 school year, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09.
6. The PGCPs failed to provide the parents with a prior written notice (PWN) when it proposed to revise the student's IEP to reflect changes to the home-school communication log since November 2, 2024 [sic], in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12.
7. The PGCPs failed to provide the parents with PWN before it implemented the IEP, which was revised at the November 2, 2024 [sic], IEP team meeting, in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12.

**BACKGROUND:**

The student is 19 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 currently attends the [REDACTED] in Prince George's County.

**FINDINGS OF FACT:**

**ALLEGATIONS #2 and #3**

**Considering the Most Recent Assessment Reports and the Student's Mother's Concern Regarding Clothes that Were not His**

1. There is documentation of an IEP meeting convened on November 2, 2023. The purpose of the IEP team meeting was to complete the corrective actions required by MSDE complaints # 23-193, #23-203, and #23-224. The corrective action in #23-193 addressed the student's change of clothing, #23-203 addressed revisions to the student's behavior data, and #23-224 addressed the lack of documentation of the provision of specially designed instruction and services of a therapeutic behavioral aide, and implementation of a behavior intervention plan for one week in May 2022.
2. The IEP team had lengthy discussions regarding the student's clothing and addressed the parents' concerns that the student is sometimes sent home in clothes that are not his. The IEP team determined that the home/school communication log would be revised to include a section to communicate to the parents what type of clothing that is needed in the school building. The team declined to add a provision in the IEP identifying a specific location for the student's clothing as locations may change. The PWN from this meeting notes the disagreement regarding this issue.
3. The team did not address the corrective actions in case #23-224 at the November 2, 2023, IEP team meeting as many of the participants needed to leave.

4. There was no discussion regarding an issue surrounding an area related to the student's psychological or speech/language assessment results during the November 2, 2023, IEP team meeting.

#### **DISCUSSION AND CONCLUSIONS:**

The purpose of the November 2, 2024, IEP team was to address corrective actions for three MSDE complaints from previous complaints. On November 2, 2024, only two of the complaints were discussed. One related to an extra set of clothing in the classroom and the other related to staff documentation of behavior data and the parents' desire to have staff report the number of bowel movements the student was having on a daily basis. The student's most recent communication and psychological assessments had no bearing on these discussions or decisions. Accordingly, the IEP team was not required to consider them at this meeting. Based on Findings of Fact #1 through #4, the PGCPs was not required to ensure that the IEP team considered information from the most recent speech-language and psychological assessment reports while revising the IEP at the November 2, 2024[sic], IEP team meeting, in accordance with 34 CFR §300.324 and COMAR 13A.05.01.08. Therefore, this office finds there was no violation concerning this allegation. Based on Findings of Facts #1 and #2, the PGCPs did ensure that the IEP team addressed the student's mother's concern, that the student was sent home wearing clothes which were not his, while revising the IEP at the November 2, 2024 [sic], IEP team meeting, in accordance with 34 CFR §300.324 and COMAR 13A.05.01.08. Therefore, this office finds there is no violation concerning this allegation.

#### **FINDINGS OF FACT:**

##### **ALLEGATIONS #4 and #5**

5. The student's IEP in effect on November 2, 2023, was developed on May 10, 2023. The supplementary aids and services of the student's IEP includes the following: 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 provide quarterly updates on the student's progress in this area. The IEP team will also continue to monitor the need to provide quarterly updates on the student's progress in this area since the parents are provided daily updates by the use of the Home-School Communication Log.
6. There is documentation of daily progress reported to the complainant regarding the student's toileting and handwashing activities using the Home/School communication log.
7. There is one behavior consult log dated January 12, 2024, stating: "Onsite training was provided to staff on the student's bathroom routine and the use of his singlet, ensuring that they were well-equipped to support his daily needs and maintain a comfortable and inclusive environment for him. Training was provided on November 15, 2023, and December 6, 2023. The team has been working diligently with [the student] on using his visuals and providing prompts to go to the bathroom and prompting him to use the visuals to support completing all bathroom steps. The team will continue to monitor his progress." There is documentation that this report was provided to the complainant on February 9, 2024, with the student's quarterly progress reports.
8. There is no documentation that the behavior consult report includes any toileting or handwashing progress data for the student.
9. There is no clear indication in the IEP of how the quarterly updates on the student's progress will be provided to the student's parents, or what kind of progress will be reported.

#### **DISCUSSION AND CONCLUSIONS:**

The description of the manner in which this supplementary aid and service will be implemented is unclear. First it states that the parents will receive information on toileting and handwashing daily through the student's Home/School Communication Log, but that these skills will also be monitored and updates provided quarterly. It is not clear whether the update will be written, oral, or otherwise, what the update will look like, whether it will include data, or what the purpose of the update would be since there is a daily reporting. The next sentence states that, at the same time, staff will be considering whether quarterly updating is needed at all, leading to a question about whether it is required. The IEP lacks clarity regarding this provision. The plain wording suggests something in addition to daily reporting is required until the team decides otherwise.

Based on Findings of Fact #5 through #9, the PGCPs did not ensure that the student's progress with toileting and handwashing were monitored as required by the student's IEP since November 2, 2023, through April 29, 2024, in accordance with 34 CFR § 300.101 and COMAR 13A.05.01.09. Therefore, this office finds a violation concerning this allegation.

Based on Findings of Fact #5 through #9, the PGCPs did not ensure that quarterly updates on the student's progress in toileting and handwashing procedures were provided as required by the student's IEP during second quarter of 2023-2024 school year, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09. Therefore, this office finds a violation concerning this allegation.

#### **FINDINGS OF FACT:**

##### **ALLEGATIONS #6 and 7**

##### **Prior Written Notice**

10. The PWN from the November 2, 2024, IEP team meeting is dated November 8, 2024. It includes the following statement regarding agreed on revisions to the Home/School Communication Log: "The supplemental support of Home-School Communication System Log includes the toileting and handwashing procedures of the student on the log, a column to document whether or not school staff prompted the student to use the procedures, an "Additional Notes" section on the front page of the student's log to allow the staff to describe any incidents of inappropriate fecal behaviors, and the log includes a section to indicate whether or not the student required a change of clothing. The Home-School Communication Log will be sent home with the student on a daily basis." And "The PGCPs proposes that the structure of the student Home-School Communication Log, which has been in effect since October 5, 2023, will remain the same. However, the school staff will include in the log the type of clothing the parent will need to replace (i.e. pants, shirt, etc.) should the student require new clothing."
11. The PWN from the November 2, 2024, IEP team meeting also includes a number of discussion items regarding the daily Home/School Communication Log that were not agreed to by the IEP team.

#### **DISCUSSION AND CONCLUSIONS:**

Based on Findings of Fact #10 and #11, the PGCPs provided the parents with a prior written notice (PWN) when it proposed to revise the student's IEP to reflect changes to the home-school communication log since November 2, 2024 [sic], in accordance with 34 CFR §300.503 and COMAR 13A.05.01.12. Therefore, there is no violation concerning this allegation.

**CORRECTIVE ACTIONS:**

**Student Specific:**

By March 15, 2025, PGCPs must convene an IEP team meeting to discuss the purpose of the quarterly updates to handwashing and toileting, and review and revise the student's IEP to clarify the expectations, purpose, manner of the updates to ensure they are provided if they are required, whether it will be an oral or written update, what will be included in the update. The parents must be provided with PWN if this provision is removed from the student's IEP and any clarification or revisions that are made. The parents retain the right to request mediation and/or a due process hearing if there are any disagreements with the decision of the IEP team.

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 L. Hickman, Ed.D.  
Assistant State Superintendent  
Division of Early Intervention and Special Education Services

ALH/abb

c: Millard House, III, Superintendent, PGCPs  
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