



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

FEB 10 2000

Ms. Carol Ann Baglin
Assistant State Superintendent
Division of Special Education
Early Intervention Services'
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Dear Ms. Baglin:

I am writing this letter in response to your correspondence, dated June 17, 1999, regarding the query from the Prince George's County Public Schools (PGCPS), secondary to corrective actions that your Office required the PGCPS system to take as a result of a finding made in a complaint investigation.

Although the attachment you provided in your letter, as issued by the PGCPS Board Attorney, Andrew Nussbaum, ". . . presents all of the requisite elements to sign a waiver", the current language in Part B of the Individual with Disabilities Education Act (IDEA), Amendments '97 does not speak to a waiver. Pursuant to 34 CFR Section 300.504 (a) - *A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum: (1) Upon initial referral for evaluation; (2) Upon each notification of an Individual Education Program meeting; (3) Upon reevaluation of the child; and (4) Upon receipt of a request for due process under Section 300.507 of the Act.* The Act further specifies the content of the procedural safeguards notice and that they are to be in understandable language.

It is the position of the Department of Education, that the IDEA does not provide for a waiver of the procedural safeguards. Your office's findings are in accord with the intent of the Act and that the PGCPS system's current practices are inconsistent with and fall to meet the requirements of Federal law and regulation. PGCPS should remove the voluntary waiver language quoted in Mr. Nussbaum's letter to you of May 24, 1999 from its "Procedural Safeguards: Parents Rights" booklet.

Hopefully, this information proves helpful to your office's efforts to ensure full compliance by all districts to the tenets of the IDEA. Should any additional information

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be required, please do not hesitate to contact my office directly or the Office of Special Education Programs' State Contact for Maryland, Mr. Michael F. Slade, by calling (202) 205-8969. Sincerely,

Kenneth E. Warlick. Director
Office of Special Education
Programs

cc: .-Andrew Nussbaum, Counsel
Board For Education, PGCPs
Patricia Jamison, Ed.D.
Director of Special Education, PGCPs