



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

April 30, 2001

(Address blacked out)

Dear (Name blacked out):

Dear x:

A letter from Congressman Wayne T. Gilchrest your behalf was forwarded to the former Assistant Secretary for the Office of Special Education and Rehabilitative Services, Judith E. Heumann, for a response. In your February 21, 2000 letter to Congressman Gilchrest and in your October 11, 1999, letter to former Assistant Secretary Heumann, you expressed concern regarding the provision of special education and related services by the Maryland State Department of Education (MSDE) under Part B of the Individuals with Disabilities Education Act (Part B).

As you know, Mr. Michael F. Slade of my staff informed you over the telephone on January 27, 2000, that the Department of Education had no authority to intervene in your individual case, in which an Administrative Law Judge had issued a decision after a due process hearing, on December 15, 1999, such a decision being final under the law. The other concerns raised by you to Congressman Gilchrest, however, regarding the consistency of Maryland Education Article 8-413(i) with 34 CFR §300.403(d) and (e), concerning reimbursement of private school tuition costs, are shared by OSEP.

OSEP has reviewed Maryland's Education Article §8-413(i) in the course of its review of Maryland's statutes, regulations, policies and procedures to determine the State's eligibility to receive a grant under Part B of the IDEA. See 34 CFR §§ 300.110 and 300.133. OSEP is concerned that the Maryland statute may not use language concerning limitations to reimbursement for private school tuition and the exceptions to those limitations consistent with 34 CFR §300.403(d) and (e). This issue is currently a subject of discussion between OSEP and the MSDE as OSEP determines Maryland's eligibility for a grant under Part B of IDEA. OSEP will continue to work with the MSDE to ensure that Maryland's statutes, regulations, policies and procedures meet all requirements of the IDEA in order for the State to receive its Part B funding.

We thank you for bringing this issue to our attention.

Sincerely,

Patricia J. Guard
Acting Director
Office of Special Education
Programs