

2023



**PARENT INFORMATION SERIES**  
Special Education Services in Maryland:

A Companion Guide to

# Parental Rights Maryland Procedural Safeguards Notice

Special Education  
Process

**Parental Rights**

Understanding  
the IEP

Secondary  
Transition





# INTRODUCTION

A Companion Guide to Parental Rights  
Maryland Procedural Safeguards Notice  
is part of Maryland's Birth through 21  
Parent Information Series, a collection  
of publications designed to support  
families statewide in the special education  
processes and system of services in  
Maryland.



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**[www.marylandpublicschools.org](http://www.marylandpublicschools.org)**



# Maryland's Parental Rights and Procedural Safeguards Notice

**Each family of a child referred for eligibility for special education services in Maryland should receive a copy of the State's formal procedural safeguards notice for the first time.**

The formal procedural safeguards booklet includes an explanation of some of the parental rights as established by the federal Individuals with Disabilities Education Act (IDEA) and the Code of Maryland Regulations (COMAR).

This booklet notice does not replace the Parental Rights Maryland Procedural Safe-guards Notice or contain all the important information in that notice. This booklet explains some key information for families.

As a part of the Parental Rights Maryland Procedural Safeguards Notice, families are given contact information regarding who and

where to call for information regarding their procedural safeguards. All Local Education Agencies (LEA) and Public Agencies (PA) have Family Support staff to help parents to understand their rights and navigate the special education process.

Families must receive their Parental Rights Maryland Procedural Safeguards Notice:

- When their child is referred for special education services;
- At least yearly;
- On receipt of a written state complaint or due process complaint;
- When a decision is made to suspend a student with an IEP; and
- At parent request.



## What the Law States

**The Individuals with Disabilities Education Act (IDEA) is a federal law ensuring services to children with disabilities throughout the nation. The purposes to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.**





# Understanding **Your Rights**

## **IN MARYLAND, FAMILIES HAVE A RIGHT TO:**

### **Receive information in their native language.**

Maryland law requires that a student's IEP be translated into the family's native language if the language is spoken by more than one percent of the population in the school system. The Parental Rights Procedural Safeguards Notice is available in twenty-five different languages and is accessible for hearing families via audio and video. The Parental Rights Maryland Procedural Safeguards Notice is also available for visually impaired families on request.

### **Receive information about the IEP team decisions for their child's educational program within a reasonable time before they are implemented.**

Parents must have time to consider the changes proposed to their child's educational program. This is called Prior Written Notice (PWN) because parents must receive notice before any changes to their child's educational program are implemented. This includes changes to the identification, evaluation, placement, goals, accommodations, or services their child receives.

### **Access their child's educational record and require that their information be kept confidential.**

Families have the right to review their child's educational record and request that it be corrected if they feel it contains inaccurate information. All LEAs and PAs should have policies and procedures for families to follow about amending student records.

Parental consent is required before any personally identifiable information about their child is released, except in very few instances. Not every document about a child is considered part of their educational record, however, the information still must be kept confidential and cannot be released without a parent's consent, with few exceptions. A child's educational record will be destroyed at a specified period of time after they leave the school system, however, a parent may request documents from their educational record until it is destroyed. Transfer of a student's records between public schools that the student has been, and will be attending, does not require parental consent and must be completed quickly. Transfer of records between a public and private school require parental consent.



### **Request that their school system pay for an Independent Educational Evaluation (IEE).**

If a family disagrees with the results of an evaluation completed by the LEA or PA, they have the right to request that their child be evaluated by an independent evaluator not employed by the school system or agency, and have the LEA or PA fund the evaluation. The family can also request an IEE if they make a referral for a special education evaluation and there is no response from the student's IEP team within specific timelines. When a family requests an IEE, the LEA or PA must respond within 30 days by either agreeing to fund the evaluation or requesting formal dispute resolution to defend their evaluation.

### **Expect that their children may have disciplinary protections.**

The IDEA provides very specific and detailed procedures and protections for students with IEPs if the LEA or PA takes certain disciplinary actions. These protections apply to students who are: (1) already eligible for services, (2) students who are in the eligibility determination process, and (3) those who are not eligible but may be eligible for special education.

### **Retain the right to make special education decisions for their child.**

In Maryland, special education decision-making rights remain with the parents when their child turns 18, except in specific cases. There are limited circumstances under which special education decision making rights may be transferred to the student. There is a process by which this takes place and criteria that must be met before the transfer of decision-making rights at the age of majority can take place.

### **Place their child in a private school, but not to expect the school system to automatically fund the placement.**

Families must notify the LEA or PA before their decision to place their child in a private school if they disagree with the placement made by the IEP team, however, they cannot assume the LEA or PA will pay for that placement. Families can access dispute resolution processes such as mediation and/or a due process hearing to resolve their concerns and request funding for their child's placement.

### **Have a surrogate appointed if there is no parent available.**

If a student has no individual who meets the definition of a parent available to support the special education process, the LEA or PA may appoint a parent surrogate to act as the parent for that student. The parent surrogate may not be "the state," meaning that a social worker or an employee of any agency involved in the education or care of the child may not be appointed as a parent surrogate. A parent surrogate is trained by the LEA or PA, and MSDE is notified of their appointment.

### **Consent to, or revoke consent for, many Special Education Processes.**

Parental consent is required to:

- Conduct individual assessments;
- Initiate special education services;
- Participate in the alternate academic achievement standards;
- Participate in the alternate state assessments; and
- Include the use of restraint or seclusion on their child's IEP or behavior intervention plan.



Prior consent for any of these actions may be revoked by the family at any time.

**Resolve disagreements about the identification, evaluation, educational placement, or the provision of a free, appropriate public education of your child.**

Sometimes members of the IEP team may disagree about services for a child. If disagreements occur, families have the right to seek any (or all) of the following processes: mediation, due process hearing, State Complaint.

- **Mediation:**

Mediation is a confidential, voluntary process for resolving disputes. A trained mediator helps the team express their views and understand each other's position on the issue. The mediator's role is to help the team members discuss the issues and come up with a solution. The mediator does not take a position, take sides, or recommend a solution.

- **Due Process Hearing:**

Due Process Hearing is a formal procedure held with an Administrative Law Judge. The parties present testimony and provide witnesses and evidence to support their positions. The role of the Administrative Law Judge is to conduct a hearing, and issue a decision that resolves the disagreement.

- **State Complaint:**

A State Complaint may be filed with the Maryland State Department of Education (MSDE) if a parent believes that a violation has occurred concerning a requirement of the Individuals with Disabilities Education Act (IDEA) or Maryland State law or regulations. When a State Complaint is filed, the MSDE is responsible for investigating the complaint and requiring changes (if needed to correct any violation.)





## A Checklist for **Parents**

### CAN YOU ANSWER “YES” TO THE FOLLOWING QUESTIONS?

Understanding Maryland’s system of procedural safeguards is important for families participating in their student’s education. If you cannot answer “yes” to any one of the questions below, your local or MSDE family support team can provide information and assistance.

#### **The Special Education Process**

- ☐ Do I understand the special education process in Maryland—including services, procedures, timelines and procedural safeguards?
- ☐ Do I understand the evaluation process and how eligibility is determined?
- ☐ Do I understand my role in the evaluation process?
- ☐ Did I know that I can share my family’s concerns and priorities in planning for my child’s evaluation?
- ☐ Do I understand that I have to provide written consent for the evaluation?
- ☐ Do I understand that I can revoke consent at any time for any process that requires my consent?
- ☐ Do I understand why my child is eligible for special education services?
- ☐ If my child was found NOT eligible for special education services, do I understand why?
- ☐ Do I know who to contact if I need assistance understanding my procedural safeguards?

#### **The Individualized Education Program (IEP)**

- ☐ Do I understand the purpose of the IEP?
- ☐ Do I understand my role on the IEP team?
- ☐ Do I know the timelines for completing and reviewing the IEP? Do I understand I can request an IEP review at any time?
- ☐ Do I understand the IEP goals and objectives for my child, and the strategies and services that will be used to achieve the goals?





- Do I understand how the goals can help my child transition after leaving school?
- Do I know when the services will begin, how often and where they will be provided, and for how long?
- Do I understand that I have to provide written consent for services to begin?
- Do I know how that once I provide written consent for services to begin, I will not need to again?
- Do I know how progress will be determined?
- Do I know how to request changes in services?
- Do I understand how the services will help my child succeed in school?
- Do I understand the transition process—including other agencies, transition activities, goals, and how my child's educational program is geared toward these services?
- Do I understand the process of exiting school?

### **Parental Involvement: Participating Fully in the IEP Process**

- If I need information shared in my native language or through a mode of communication such as sign language, has the local IEP team met my need?
- Do I understand how I can help my child to learn by collaborating with the school?
- Do I know what to do if I have a concern about my child's educational program?
- Do I know about advocacy and family support programs and how to access them?

- Do I know how educational information is shared and how my child's records are kept confidential?
- Do I save documents and notes that are important to my child's educational program? Documents that include:
  - Current and past IEPs
  - Medical evaluation reports
  - Evaluation reports
  - Parental Rights/Procedural Safeguards Notice
  - Signed release of information forms
  - Notes from teachers
  - Communications from service providers
  - Notes from IEP team meetings
  - Notes from telephone conversations
- Do I know that Maryland has a statewide network of Family Support Services (FSS) coordinators? FSS coordinators are available to assist families of children with disabilities by:
  - Answering questions about early intervention and special education services
  - Supporting families in planning for transition
  - Providing more information about resolving disagreements
- Do I know that my case manager can provide information—including contact information—for my local Family Support Services Coordinator?



## What if I Have Questions or Need Help?

### LOCAL FAMILY SUPPORT SERVICES COORDINATORS

LOCAL SCHOOL SYSTEM	AGES BIRTH TO 5	AGES 5 TO 21
Allegany	240-920-6829	240-920-6829
Anne Arundel	410-424-3270	410-424-3258
Baltimore City	410-396-1666	443-642-3848
Baltimore County	443-809-9696	443-809-5443
Calvert	443-550-8406	443-550-8375
Caroline	410-479-3609	410-479-3609
Carroll	410-751-3955	410-751-3955
Cecil	410-996-6230	410-996-6230
Charles	301-934-7456	301-934-7456
Dorchester	410-901-6915	410-901-6915
Frederick	240-578-1244	240-236-8744
Garrett	301-914-1351	301-914-1351
Harford	410-273-5579	410-273-5579
Howard	410-313-7161	410-313-7161
Kent	410-778-5708	410-778-5708
Montgomery	240-777-4809	240-753-9487
Prince George's	240-521-5054	301-431-5675
Queen Anne's	410-758-2403, x135	410-758-2403, x135
Somerset	410-651-1616, x11385	410-651-1616, x11385
St. Mary's	301-475-5511, x32218	240-309-4113
Talbot	410-822-0330	410-822-0330
Washington	301-766-8221	301-766-8221
Wicomico	410-677-5250	410-677-5250
Worcester	410-632-5234	410-632-5234
Maryland School for the Blind	410-444-5000, x1489	
Maryland School for the Deaf	443-277-8899	
Maryland State Department of Education	410-767-0255	

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