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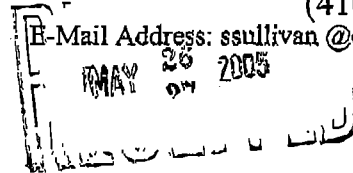
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May 25, 2005

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Ms. Elaine Williams
14607 Philpot Road
Phoenix, Maryland 21131

Re: *Schaffer v. Weast*, United States Supreme Court, No. 04-698

Dear Ms. Williams:

Thank you for your thoughtful letter to Attorney General Curran concerning *Schaffer v. Weast*, a case pending before the Supreme Court, which raises the question who should bear the burden of proof in a due process hearing when parents and local school officials disagree about the individual education program developed for a child with disabilities under the provisions of the Individuals with Disabilities Education Act (IDEA).

The Maryland State Department of Education supports the families of students and local school systems in their efforts to provide successful education programs for children with disabilities. Among its various responsibilities, the State Department of Education oversees the three types of formal dispute resolution recognized in the IDEA – due process hearings, complaints made to the State Department of Education, and mediation of special education disputes. The Department also provides informal dispute resolution services and advice to parents to help resolve disagreements before more formal procedures become necessary.

In fulfilling these responsibilities, the State Department of Education sometimes acts as mediator and in other cases investigates complaints and orders a remedy, if it is warranted. In any case, it is important for the State Department of Education to maintain its impartiality toward all of the families and local school systems it serves. For this reason, the Office of the Attorney General of Maryland has decided not to file a brief as *amicus curiae* in support of either party in *Schaffer v. Weast*.

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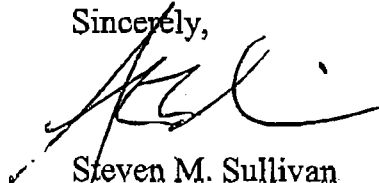
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Thank you again for your interest in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Sullivan", written over the word "Sincerely,".

Steven M. Sullivan
Solicitor General