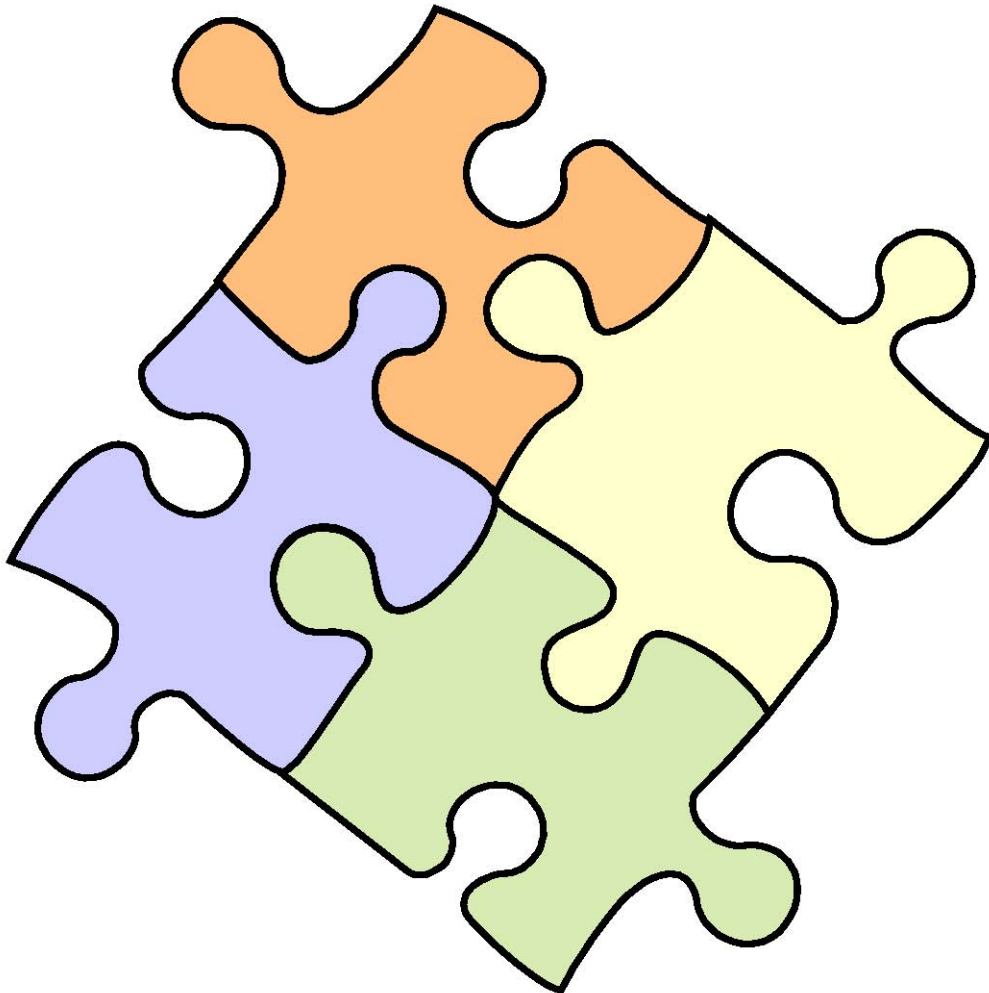


**FFY 2008 (2008-2009)
State Performance Plan (SPP) and
Annual Performance Report (APR)**



Maryland State Department of Education
Division of Special Education/Early Intervention Services
January 29, 2010

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**MARYLAND'S FFY 2008 (2008 – 2009)
STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT****Overview of Development of FFY 2008
State Performance Plan and Annual Performance Report**

The attached documents are the Maryland State Department of Education's (MSDE) FFY 2008 (2008 – 2009) State Performance Plan/Annual Performance Report (SPP/APR). The SPP has been revised to include additional progress data, baseline, targets, and improvement activities for Indicator 7, as required. The APR provides the data and information required in accordance with the SPP/APR Instructions and the Office of Special Education Programs (OSEP) Memorandum 10-3, dated December 3, 2009.

The MSDE identified staff from across the six branches within the Division of Special Education/Early Intervention Services (hereafter referred to as the Division) to form internal teams that correspond to the 20 Part B Indicators. Each team gathered, analyzed, interpreted data, and reviewed available information about potential issues related to policies, procedures, and practices that may influence or explain the data across cluster areas identified by the Office of Special Education Programs (OSEP). The APR includes information on progress or slippage for each indicator. Draft information and data from the APR for each Indicator were developed for presentation to the following stakeholder groups:

- Special Education State Advisory Committee (SESAC)
- Local Directors of Special Education
- State Interagency Coordinating Council (SICC) [Indicators # 7, and 12]

The FFY 2008 SPP/APR will be available on the MSDE website within 120 days of the submission and disseminated to all local school systems and public agencies in the State, to members of the SESAC, and to all local Special Education Citizens' Advisory Committees (SECACs). The FFY 2008 SPP/APR will also be made available to various media, consistent with MSDE dissemination of other written material. Upon OSEP approval of the FFY 2008 SPP/APR, copies will be sent to local superintendents of schools, local directors of special education in each local school system and public agency, SESAC members, and Parents' Place of Maryland, Inc.

MSDE has developed a website with our partners at the Johns Hopkins University Center for Technology in Education (JHU/CTE) that includes statewide and local performance data on all applicable indicators. The website can be accessed at <http://www.mdideareport.org> or <http://marylandpublicschools.org>. In addition to the complete SPP/APR, the website includes State and local results for all applicable indicators and tools for comparing local performance in relation to the State targets. The public may see progress and slippage through a combination of tables and graphs populated on the website. This site also includes OSEP's annual State determination, and MSDE's annual local school system determinations.

On September 23, 2009 the preliminary SPP/APR data regarding the activities for each indicator and progress and/or slippage were presented at the annual Special Education Leadership Conference in a presentation entitled, "The State of the State." Attendees at this conference included IDEA Part B local directors of special education, Part C local lead agencies, SESAC members, and SICC members, advocates, and parents.

Stakeholder input regarding revision and implementation of the SPP/APR was gathered on November 5, 2009 and January 14, 2010 at public meetings of the SESAC. At those meetings, data was shared concerning the current status of SPP/APR Indicators. On November 5, 2009, information was shared about the overall SPP/APR, State determination by OSEP, State local determinations, Indicator 1,

Graduation, Indicator 2, Dropout, Indicator 5 LRE, Indicator 8, Parent Involvement, Indicator 11, Initial Evaluation, Indicator 15, General Supervision, Indicator 16, State Complaints, Indicator 17, Due Process Complaints, Indicator 18, Resolutions, Indicator 19, Mediations, and Indicator 20, State Reported Data. On January 14, 2010 information and data relative to Indicator 3, Assessment, Indicator 4, Suspension and Expulsion, Indicator 7, Child Outcomes, Indicator 9, Disproportionality (Identification/ Race/Ethnicity), Indicator 10, Disproportionality (Identification/ Race/Ethnicity and Disability Category), and Indicator 12, Transition from Part C to Part B were shared and discussed. Additionally, the results of the Mid-South Regional Resource Center review of the draft FFY 2008 SPP/APR submission were shared. MSDE mailed a draft of the Maryland FFY 2008 SPP/APR submission to each member of the SESAC for their review and comment prior to formal submission.

Maryland's FFY 2008 Part B SPP contains **Indicator 7**, pages 4-21, including progress data, baseline, targets and improvement activities. Maryland's FFY 2008 Part B APR contains actual target data and other responsive APR information for:

- **Indicator 1** (pages 22-26)
- **Indicator 2** (pages 27-28)
- **Indicator 3** (pages 29-38)
- **Indicator 4A** (pages 39-44)
- **Indicator 5** (pages 45-49)
- **Indicator 8** (pages 50-58)
- **Indicator 9** (pages 59-63)
- **Indicator 10** (pages 64-69)
- **Indicator 11** (pages 70-75)
- **Indicator 12** (pages 76-78)
- **Indicator 13** (pages 79-81)
- **Indicator 15** (pages 82-91)
- **Indicator 16** (pages 92-93)
- **Indicator 17** (pages 94-95)
- **Indicator 18** (page 96-97)
- **Indicator 19** (pages 98-99)
- **Indicator 20** (pages 100-105)

SPP Template – Part B (3)

MARYLAND
State

In accordance with FFY 2008 SPP/APR instructions, Maryland need not report on Indicators 4B, 6, or 14. In addition to information submitted in the SPP/APR, the following documents are attached to the end of the document:

- Table 6, Report of the Participation and Performance of Students with Disabilities on State Assessments (Indicator 3)
- FFY 2007 Table 5, Report of Children with Disabilities Subject to Disciplinary Removal (Indicator 4A)
- Copies of the parent surveys (Indicator 8)
- Indicator 15 Worksheet
- Table 7, Report of Dispute Resolution under Part B of the Individuals with Disabilities Education Act (Indicators 16-19)
- Indicator 20 Scoring Rubric (Indicator 20)

A revised copy of Maryland's FFY 2005 – 2011 State Performance Plan is also attached. The revisions, noted in red, include updated overview, indicators, measurements, improvement activities, timelines, and resources, as applicable.

As a follow-up to Maryland's FFY 2007 SPP/APR submission, OSEP notified Maryland in a letter dated June 1, 2009 that Maryland determination was Meets Requirements. OSEP's determination "is based on the totality of the State's data and information including the State's FFY 2007 APR and revised SPP, other State-reported data, and other publicly available information." Specific factors affecting OSEP'S determination that Maryland meets requirements under IDEA section 616(d) included, "(1) The State provided valid and reliable FFY 2007 data reflecting the measurement for each indicator; and (2) The State reported correction of its FFY 2006 findings of noncompliance or high levels of compliance for Indicators 9, 10, 11, 12, 13, 15, 16, 17, and 20."

Please contact Dr. Carol Ann Heath, Assistant State Superintendent, Division of Special Education/Early Intervention Services at 410-767-0238 or at cheath-baglin@msde.state.md.us for information related to Maryland's SPP/APR.

Part B State Performance Plan (SPP) for 2005-2010

Overview of the State Performance Plan Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: FAPE in the LRE

Indicator 7: Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

Outcomes:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

Progress categories for A, B and C:

1. Percent of preschool children who did not improve functioning = [(# of preschool children who did not improve functioning) divided by (# of preschool children with IEPs assessed)] times 100.
2. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
3. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it) divided by (# of preschool children with IEPs assessed)] times 100.
4. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers = [(# of preschool children who improved functioning to reach a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.
5. Percent of preschool children who maintained functioning at a level comparable to same-aged peers = [(# of preschool children who maintained functioning at a level comparable to same-aged peers) divided by (# of preschool children with IEPs assessed)] times 100.

Summary Statements for Each of the Three Outcomes (use for FFY 2008-2009 reporting):

Summary Statement 1:

Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 1:

Percent = # of preschool children reported in progress category (c) plus # of preschool children reported in category (d) divided by [# of preschool children reported in progress category (a) plus # of preschool children reported in progress category (b) plus # of preschool children reported in progress category (c) plus # of preschool children reported in progress category (d)] times 100.

Summary Statement 2:

The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Measurement for Summary Statement 2:

Percent = # of preschool children reported in progress category (d) plus [# of preschool children reported in progress category (e) divided by the total # of preschool children reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

Overview of Issue/Description of System or Process¹:

The MSDE established the Maryland Early Childhood Accountability System (ECAS) for measuring outcomes for infants, toddlers, and preschoolers with disabilities and their families. Through the ECAS, MSDE will:

- 1) Meet its federal reporting requirements in the Annual Performance Report;
- 2) Evaluate the effectiveness of the State's early intervention and preschool special education systems;
- 3) Improve local service delivery and results; and
- 4) Assist local programs to improve Individualized Family Service Plan (IFSP) and Individualized Education Program (IEP) decision-making and results for individual students.

Through its General Supervision Enhancement Grant (GSEG), MSDE built a system based on child and family change, established a measurement system based on valid and reliable assessment tools and instruments, and for the collection of data for preschool children, created a web-based data collection system for aggregating, analyzing, and reporting outcome data. In addition, the Division expanded its partnership with the Division for Early Childhood Development to expand an existing professional development system to support full implementation of the Early Childhood Assessment System (ECAS).

MSDE has built a Birth through Five Framework for the ECAS, ensuring collaboration at the State and local levels and building on existing partnerships and initiatives in the State to prepare young children with disabilities to succeed in school and community life. Maryland's ECAS includes specific plans for collecting and reporting outcome data at entry and exit for:

- 1) Infants and toddlers with disabilities based on the collection of present levels of development data from the IFSP process (Part C Indicator #3), and
- 2) Preschool children with disabilities using the Work Sampling System (Part B Indicator #7).

¹ FFY 2008 activities, updates and progress data are addressed in a section titled "Updates to Maryland's Early Childhood Accountability System for FFY 2008." This section follows immediately after "Discussion of Activities Completed for FFY 2007."

ECAS for Preschool:

- The Working Sampling System (WSS) is an age-anchored early childhood assessment that provides a picture of a child's development in relation to typically developing peers. It is a nationally validated instrument, with established protocols for administering and scoring. The WSS takes an individualized approach to learning and assessment, and yields child-specific information that can assist with modifying instruction. It evaluates progress as well as performance, thus allowing children with special needs to demonstrate growth even in areas where their performance is delayed. It is the instrument used by all of Maryland's local school systems for the annual required fall kindergarten readiness assessment. Additional administrations are voluntarily used by the majority of local school systems throughout the school year in general education pre-K and kindergarten programs. The WSS has been aligned with Maryland's Early Learning Standards and Voluntary State Curriculum (VSC).
- For the ECAS, individual WSS indicators in all domains at each age level (3, 4, and 5) have been linked electronically through the web-based system with one or more of the three broad child outcomes established by OSEP. Local school system personnel complete on-line indicator ratings for the WSS checklist appropriate to the chronological age of the child. The crosswalk of the indicator ratings to the three broad outcomes occurs after the checklist has been finalized and electronically submitted to the ECAS database, hosted by a contractor with the highest level of data security.
- Information on child performance gained through the implementation of the ECAS will be used to inform local program improvement efforts and State level focused monitoring and technical assistance activities. For individual children, this information will also be used to update current levels of performance on the IEP as well as assist with the development of goals and associated instructional strategies as part of each annual IEP review.
- Stakeholder involvement by local school system preschool special education administrators, families, other community early childhood program directors, and the State Interagency Coordinating Council (birth-five focus) for the design of the ECAS has been ongoing.
- The ECAS has two child performance data measurement points:
 - Status at Entry – “New” to preschool special education services; 3, 4 and 5 year old children with disabilities who begin receiving preschool special education services through an initial IEP. The first reporting of Status of Entry data to OSEP is due in February 2007; data to be reported will include the percentage of children entering at the level of same-aged peers, and the percentage of children entering at a level below same-aged peers, for each of the three outcomes.
 - Progress Data at Exit: The first Progress at Exit data collection will occur for children for whom Status at Entry data was collected in FFY 05, who exited from the preschool program during the 2006-2007 school year (FFY 06), and who participated in the preschool program for at least six months.

Implementation Plan: Phase 1 and Phase 2 of Statewide Data Collection System

Maryland's plan for phasing-in a statewide system of child outcomes data collection for the ECAS is consistent with guidance provided by OSEP in a September 2006 document entitled, “Frequently Asked Questions regarding the SPP/APR: Early Childhood Outcomes (Part C Indicator #3 and Part B Indicator #7)”:

“F. Can a State phase in its data collection and just collect and report on some programs/LEAs the first year, those plus the second group the next year, etc...?”

“A State can phase in its data collection and reporting as long as the data reported each year represent the population of children served within the State. For example, a State cannot report data in the first year that only represents one urban district/program, but could report data that represents a handful of districts/programs that represent the State's population of children served.”
(Page 4)

Maryland also received verbal approval for its proposed plan to phase-in data collection from its OSEP Part B State Contact.

Plan for Phased-In Statewide Data Collection

Consistent with OSEP's September 2006 guidance, statewide data collection for the Maryland ECAS will be phased-in over a two year period, with all local school systems fully participating as of the second year of the phase-in, FFY 06. The two-year phase-in will impact only the number of local school systems initiating data collection, and not affect the population of children (i.e., all ages and disabilities will be included) or types of programs included. **NO SAMPLING WILL BE USED. THIS IS A CENSUS COLLECTION.** All of Maryland's twenty-four local school systems will be implementing the ECAS as of FFY 2006.

Data Collection, Phase 1 (FFY 2005):

- Of Maryland's twenty-four local school systems, seven districts have been identified as representative of the State utilizing census data for preschool-aged children, size (population) of school district, and geographic locations.
- In accordance with OSEP requirements for Indicator #7, all jurisdictions with an average daily enrollment of 50,000 or more students include five jurisdictions of Anne Arundel County, Baltimore City, Baltimore County, Montgomery County, and Prince George's County.
- Including two additional jurisdictions enables Maryland to comply with requirements for geographic representation. The two local school systems are: Allegany County and Charles County.
- The seven identified representative local school systems will initiate Status At Entry data collection on **all** three, four and five year olds newly identified, i.e., all children receiving special education and related services under an initial IEP during the FFY 2005 data collection period. **NO SAMPLING WILL BE USED BY THESE LOCAL SCHOOL SYSTEMS. THIS IS A CENSUS COLLECTION.**

Data Collection, Phase 2 (FFY 2006):

- All twenty-four Maryland local school systems will be participating in data collection for the Maryland ECAS as of FFY 2006. This includes the seven jurisdictions initiating Status At Entry data collection in Phase 1, and the remaining seventeen jurisdictions not participating in Phase 1.
- **All** three, four and five year olds newly identified (i.e., with initial IEPs) will be included in data collection in all twenty-four local school systems for Phase 2. **NO SAMPLING WILL BE USED. THIS IS A CENSUS COLLECTION.**
- The local school systems initiating Status At Entry data collection in Phase 1 will be collecting their second set of Status At Entry data for children newly identified (i.e., with initial IEPs) during the FFY 2006 time period.
- The seven Phase 1 local school systems will begin collecting Progress At Exit data for **all** children for whom there is a FFY 2005 Status at Entry measure and who have participated in preschool special education for at least six months. Note: Progress at Exit data may be collected when children "age-out" of preschool special education, i.e., they continue under an IEP at age 6, or they no longer require special education and related services due to meeting all of their IEP goals and objectives.

ECAS Web-Based Data Entry Tool

In partnership with the JHU/CTE a web-based data entry system for collecting, aggregating, and reporting outcome data was designed and implemented:

- For the ECAS web-based data entry system, individual WSS indicators in all domains at each age level (3, 4, and 5) were linked electronically with one or more of the three broad child outcomes. Local school system personnel from jurisdictions included in Phase 1 of data collection entered into the web-based data entry system, completed ratings for all indicators on the WSS checklist appropriate to the chronological age of the child.
- The cross-walk of the WSS indicator ratings to the three broad child outcomes established by OSEP occurs after the checklist has been finalized by the local school system and electronically submitted to the ECAS database, hosted by a contractor with the highest level of data security. Points are assigned to each of the three possible ratings for each WSS indicator: Fully Ready/Proficient (3); In Process (2); or Needs Development (1). To reach an overall score for each of the 3 broad outcomes, ratings submitted for all WSS indicators cross-walked to that particular outcome are aggregated and the average of the total calculated. On a scale of 1 to 3, 2.5 was determined as the “cut-off” score for reporting a child’s performance as comparable to typically developing peers (i.e., 2.5-3.0 resulted in a “yes”, while 2.4 and below resulted in a “no”).
- **Progress at Exit** results for each child will be determined according to a protocol developed by Maryland that will report levels of growth/progress in keeping with the framework established by OSEP. The decision to use all indicators at each age level of the WSS was made to enable a level of sensitivity that could reflect varying rates of growth for preschool children with disabilities and still demonstrate progress made toward achieving performance comparable to that of typically developing peers.

Baseline Data for FFY 2005 (2005-2006)

Since this is a new indicator, baseline data will be reported in the APR due February 1, 2010. For FFY 2005, the results of the first collection of Status At Entry data are reported in the table below.

Status At Entry*
Performance of Preschool Children Comparable to Typically Developing Peers
(n=704 for all outcomes)

Outcome	Comparable: Yes	Comparable: No
Positive social-emotional skills (including social relationships)	25%	75%
Acquisition and use of knowledge and skills (including early language/communication and early literacy)	7%	93%
Use of appropriate behaviors to meet their needs	22%	78%

*Phase 1 representative local school systems: Allegany, Anne Arundel, Baltimore City, Baltimore County, Charles, Montgomery, and Prince George’s

Discussion of Activities Completed for FFY 2005

- Maryland identified seven of its twenty-four local school systems as representative of the State to initiate the first round of Status at Entry data collection (Phase 1). All local school systems with an average daily enrollment of 50,000 or more students were included. These representative school systems began collecting Status at Entry data on **all** 3, 4 and 5 year-old preschool children newly identified (i.e., with initial IEPs). **NO SAMPLING WAS USED. THIS IS A CENSUS COLLECTION.** Results of their aggregated data collection are reported in the table above. The seven local school systems included in Phase 1 are: Allegany, Anne Arundel, Baltimore City, Baltimore County, Charles, Montgomery, and Prince George's.
- Procedures and protocols addressing the 3- and 4-year old levels of the WSS were developed and disseminated by the Division of Special Education/Early Intervention Services to all twenty-four local school systems as a part of professional development sessions.
- An ECAS professional development plan was developed and implemented beginning Spring 2006; this plan will be updated annually and delivery of training on the WSS will continue to be conducted in collaboration with the MSDE Division for Early Childhood Development.
- Training on the ECAS web-based data entry system was developed and training sessions for the seven local school systems in Phase 1 conducted. Training on the data entry system will be completed for all local school systems by the end of January 2007. As reporting features of the web-based data entry system are added, additional training as well as technical assistance will be provided.

Updates to Maryland's Early Childhood Accountability System for FFY 2006

Discussion of Activities Completed for FFY 2006

- The ECAS was implemented statewide. Status at Entry data was collected for a total of 3,525 three, four and five year olds.
- The seven local school systems initiating Status At Entry data collection in Phase 1 (FFY 2005) collected their second set of Status At Entry data for children newly identified (i.e., with initial IEPs).
- Phase 1 local school systems began collecting Progress At Exit data for **all** children for whom there was a FFY 2005 Status at Entry measure and who participated in preschool special education services for at least six months.
- Revisions to procedures and protocols for the 3, 4, and 5 year old levels of the WSS were completed and disseminated by the Division of Special Education/Early Intervention Services to all twenty-four local school systems as a part of professional development sessions. Revisions included information on appropriate modifications, accommodations and supports for children with disabilities.
- The ECAS professional development plan was updated for FFY 2006. Training on the WSS continued to be conducted in collaboration with the MSDE Division for Early Childhood Development.
- Technical assistance on the ECAS web-based data entry system was provided to designated key contacts (i.e., members of local school system teams trained in FFY 2005) on request through webinars, phone calls, emails, and onsite visits.
- Maryland established a protocol for determining and reporting levels of progress in accordance with the 5 categories of progress identified by OSEP. Development of the protocol for three through five year olds was facilitated by staff from the JHU/CTE and was coordinated with Part C staff in the development of the protocol for children ages birth to three.

Discussion of Progress Data

For FFY 2006, the results of the first calculations of child progress data are reported in the table below. Exit measures were completed for children ages three through five who:

- Participated in preschool special education services for at least six months from July 1, 2006 through June 30, 2007; and
- Had a Status at Entry measure.

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	11	13.58%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	6	7.41%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	4	4.94%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	27	33.33%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	33	40.74%
Total	N= 81	100%

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	14	17.28%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	11	13.58%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	16	19.75%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	31	38.27%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	9	11.12%
Total	N= 81	100%

C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of preschool children who did not improve functioning	11	13.58%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	8	9.88%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	7	8.64%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	29	35.80%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	26	32.10%
Total	N= 81	100%

The percentage of children for progress level “a. Percent of preschool children who did not improve functioning” greatly exceeded the anticipated percent of children who could fall within this level. Entry and Exit measures for all 81 children were reviewed and it was found that of the children represented in progress level “a” all clustered within one local school system. As part of improvement activities, further review of the data will be conducted with that local school system to determine the reason(s) for children being rated significantly higher for Entry than for Exit. Avenues to be explored include quality and effectiveness of professional development provided to school and community-based staff on the WSS, accuracy of entering the data into the ECAS system, and linkages of IEP content with appropriate modifications and accommodations that support accessing the general curriculum. Based on findings, a plan for focused technical assistance for that local school system will be developed with local school system staff and implemented with support from MSDE staff.

Progress Data Methodology

MSDE Part C and Part B Preschool staff worked jointly with consultants from JHU/CTE to establish a Birth through Five Framework for reporting child progress. For Part B Preschool, MSDE extracted entry and exit data from the ECAS database on children who entered preschool special education services from July 1, 2006 through June 30, 2007, participated in services for at least six months, and exited the system during 2006-2007. Using the Intervention Efficacy Index (Bagnato and Neisworth) and the Proportional Change Index (Wolery), sample child Entry and Exit data were tested and analyzed to determine how each approach affected reporting on the OSEP levels of progress. MSDE and the JHU/CTE consultants reached agreement that with the use of one statewide assessment, the WSS, an approach based on a modified Proportional Change Index would yield child outcomes progress data that was both reasonable and accurate for the preschool population.

MSDE staff and consultants developed formulas for each reporting category using the sum of WSS indicator values divided by the number of indicators for an outcome at Entry and Exit. In addition, for OSEP reporting categories “b” and “c”, the percentage of change from Entry to Exit proved to be essential for distinguishing between these two levels of progress.

Considerations and Overarching Formulas

- **WSS indicators are assigned numerical values:** Proficient=3, In Process=2, Needs Development=1
- 2.5 was determined as the “cut-off” score for reporting a child’s performance as comparable to typically developing peers.

$$\text{WSSav} = \frac{\text{sum of indicator values for an outcome}}{\text{number of indicators}}$$

$$\% \text{ change} = \frac{\text{Exit WSSav} - \text{Entry WSSav}}{\text{Entry WSSav}}$$

Formulas for each reporting category are as follows:

- a) **% of children who did not improve functioning:** In this category, MSDE is reporting children whose average WSS score for Exit is equal to or less than the average WSS score for Entry and who were not captured in categories “d” or “e”:

NOT captured by categories D or E
AND Exit WSSav \leq Entry WSSav

- b) **% of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers:** This category includes children whose average WSS score for Exit is greater than the average score at Entry, and where the percent of change is less than 30%:

NOT captured by categories D or E
AND Exit WSSav $>$ Entry WSSav
AND % change $<$ 30%

- c) **% of children who improved functioning to a level nearer to same-aged peers, but did not reach it:** This category is reporting children whose average WSS score for Exit is greater than the average score for Entry, and the percent of change is equal to or greater than 30%:

NOT captured by categories D or E
AND Exit WSSav $>$ Entry WSSav
AND % change \geq 30%

- d) **% of children who improved functioning to reach a level comparable to same-aged peers:** This category includes children whose average WSS score for Exit is equal to or greater than 2.5, and whose average score for Entry is less than 2.5:

Exit WSSav \geq 2.5
AND Entry WSSav $<$ 2.5

- e) **% of children who maintained functioning at a level comparable to same-aged peers:** This category includes children whose average WSS score is equal to or greater than 2.5, and whose average score for Entry is equal to or greater than 2.5:

Exit WSSav \geq 2.5
AND Entry WSSav \geq 2.5

Updates to Maryland's Early Childhood Accountability System for FFY 2007

Discussion of Activities Completed for FFY 2007

- The ECAS completed the second year of statewide implementation. As of June 30, 2008, Status at Entry data had been collected for a total of 6,979 three, four and five year olds.
- All local school systems collected Progress At Exit data for children for whom there was a Status at Entry measure and who participated in preschool special education services for at least six months prior to exiting between July 1, 2007 and June 30, 2008.
- The ECAS professional development plan was updated for FFY 2007. Training on the WSS continued to be conducted in collaboration with the MSDE Division for Early Childhood Development.
- Technical assistance on the ECAS web-based data entry system continued to be provided to designated key contacts (i.e., members of local school system teams trained in FFY 2005) on request through webinars, phone calls, emails, and onsite visits.
- MSDE and a local school system developed and initiated implementation of a plan for focused technical assistance addressing professional development, data entry, progress reporting and other issues related to measuring child outcomes identified as part of technical assistance planning and activities. General and special education early childhood program staff and local Head Start Program Disability and Educational Consultants were included in all technical assistance plan professional development sessions.
- MSDE posted technical assistance and on-line professional development resource materials on the 3-5 Child Outcomes System on the Maryland Early Childhood Gateway website, www.mdecgateway.org.
- Planning and conducting of a 3-day training-of-trainers institute projected for the summer of 2008 was put on hold due to expressed concerns of local school system Preschool Coordinators regarding already heavily committed summer schedules for locally required professional development activities. MSDE will continue to explore alternatives to a multi-day institute for the purpose of building local school system/public agency capacity to provide training and technical assistance to staff, including related services personnel, and community-based providers, such as expanding the range of resources and formats (e.g., webinar) available through the Maryland Early Childhood Gateway website.
- MSDE reviewed ECAS Child Outcomes data reported in the FFY 06 SPP with local school system/public agency preschool special education coordinators as part of a statewide administrative briefing held April 1, 2008. Follow-up reviews and technical assistance sessions were held with individual coordinators with expressed concerns about the accuracy and reliability of their WSS ratings entered for Status-at-Entry and Progress-at-Exit, and resulting levels of progress data at the individual child level.

Discussion of Progress Data for FFY 2007

For FFY 2007, the results of the second calculations of child progress data are reported in the table below. Exit measures were completed for children ages three through five who:

- Participated in preschool special education services for at least six months from July 1, 2007 through June 30, 2008; and
- Had a Status at Entry measure.

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	78	13.07%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	36	6.03%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	30	5.03%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	194	32.50%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	259	43.38%
Total	N = 597	100%

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of preschool children who did not improve functioning	91	15.24%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	83	13.90%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	78	13.07%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	219	36.68%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	126	21.11%
Total	N = 597	100%

C. Use of appropriate behaviors to meet their needs:	Number of children	% of children
a. Percent of preschool children who did not improve functioning	85	14.24%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	56	9.38%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	24	4.02%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	196	32.83%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	236	39.53%
Total	N = 597	100%

For a second year, the percentage of children for progress level “a. Percent of preschool children who did not improve functioning” greatly exceeded the anticipated percent of children who could fall within this level. In FFY 2006, it was found that of the children represented in progress level “a” all clustered within one local school system. In comparison, FFY 2007 data show children falling in progress level “a” distributed across seven local school systems. For FFY 07, one of the local school systems demonstrated improvement over the last year, and of the seven local school systems, it reports the lowest relative percentage of children in progress level “a”.

As part of improvement activities, further review of the data will be conducted with the six local school systems reporting high percentages of children in progress level “a” to determine the reasons and identify technical assistance as needed and appropriate. State Part B preschool staff will conduct an intensive review of the quality and effectiveness of professional development provided to school and community-based staff on the WSS, accuracy of entering the data into the ECAS system, and how appropriate modifications and accommodations that support accessing the general curriculum are being included in IEPs and effectively implemented within early childhood settings. Based on findings, changes to ECAS will be initiated and additional technical assistance resources developed and disseminated.

Updates to Maryland’s Early Childhood Accountability System for FFY 2008

Discussion of Activities Completed for FFY 2008

- The ECAS completed the third year of statewide implementation. As of June 30, 2009, Status at Entry data had been collected for a total of 11,492 three, four and five year olds.
- All local school systems collected Progress At Exit data for children for who there was a Status at Entry measure and who participated in preschool special education services for at least six months prior to exiting between July 1, 2008 and June 30, 2009.
- The ECAS professional development plan was updated for FFY 2008. Training on the WSS continued to be conducted in collaboration with the MSDE Division for Early Childhood Development.
- Technical assistance on the ECAS web-based data entry system continued to be provided to designated local school system key contacts on request through webinars, phone calls, emails, and onsite visits.

- MSDE and a local school system updated and continued to implement a plan for focused technical assistance addressing professional development, data entry, progress reporting and other issues related to measuring child outcomes identified as part of technical assistance planning and activities. General and special education early childhood program staff and local Head Start Program Disability and Educational Consultants were included in all technical assistance plan professional development sessions.
- MSDE posted technical assistance and on-line professional development resource materials on the 3-5 Child Outcomes System on the Maryland Early Childhood Gateway website, www.mdecgateway.org.
- MSDE conducted a statewide administrative briefing for all local school system preschool special education coordinators in March 2009. The focus of the briefing was on reviewing and analyzing local school system ECAS Child Outcomes data reported in the FFY 07 SPP. MSDE provided a protocol for use by local school system coordinators for analyzing individual child data, with an emphasis on reviewing WSS ratings and resulting progress levels for children with a **performance level of “a” for any one of the three child outcomes** or a **performance rating of “e” across all three outcomes**. Follow-up reviews and technical assistance sessions were held with individual coordinators with expressed concerns about the accuracy and reliability of their WSS ratings entered for Status-at-Entry and Progress-at-Exit, and resulting levels of progress data at the individual child level.

Baseline Data for FFY 2008 (2008-2009)

For FFY 2008, the results of the third calculations of child progress data are reported in the table below. Percentages reported for FFY 07 are included for comparison. Exit measures for FFY 08 were completed for children ages three through five who:

- Participated in preschool special education services for at least six months from July 1, 2008 through June 30, 2009; and
- Had a Status at Entry measure.

A. Positive social-emotional skills (including social relationships):	FFY 08		FFY 07
	Number of children	% of children	% of children
a. Percent of preschool children who did not improve functioning	219	15.63%	13.07%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	105	7.49%	6.03%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	104	7.42%	5.03%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	480	34.26%	32.50%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	493	35.19%	43.38%
Total	N = 1401	100%	100%

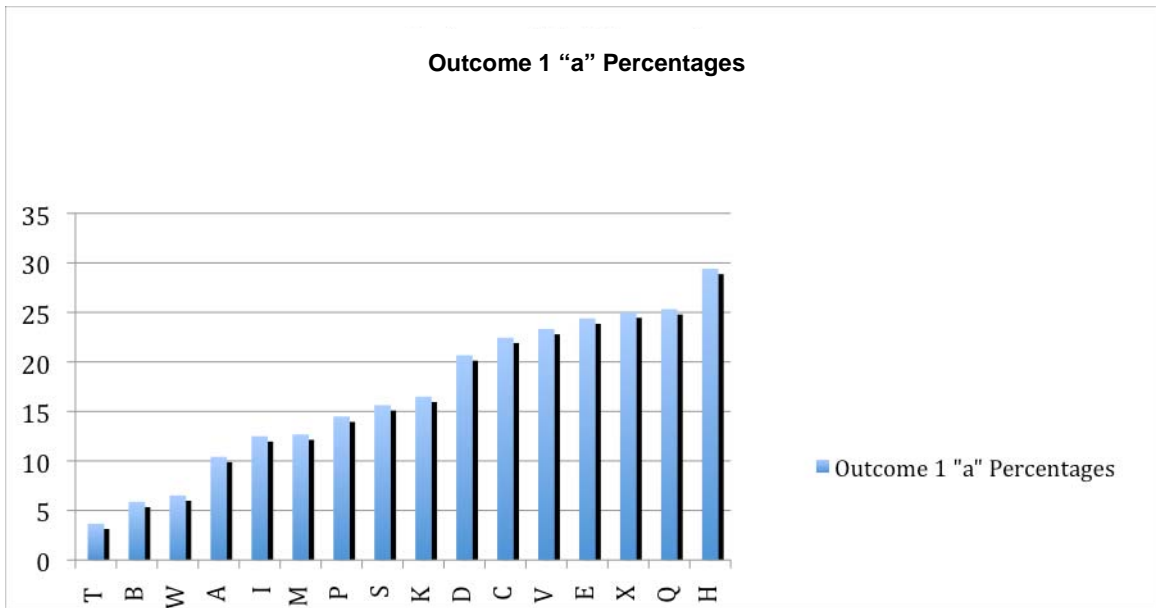
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	FFY 08		FFY 07
	Number of children	% of children	% of children
a. Percent of preschool children who did not improve functioning	179	12.78%	15.24%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	232	16.56%	13.90%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	215	15.35%	13.07%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	535	38.19%	36.68%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	240	17.13%	21.11%
Total	N = 1401	100%	100%

C. Use of appropriate behaviors to meet their needs:	FFY 08		FFY 07
	Number of children	% of children	% of children
a. Percent of preschool children who did not improve functioning	215	15.35%	14.24%
b. Percent of preschool children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	176	12.56%	9.38%
c. Percent of preschool children who improved functioning to a level nearer to same-aged peers but did not reach it	83	5.92%	4.02%
d. Percent of preschool children who improved functioning to reach a level comparable to same-aged peers	473	33.76%	32.83%
e. Percent of preschool children who maintained functioning at a level comparable to same-aged peers	454	32.41%	39.53%
Total	N = 1401	100%	100%

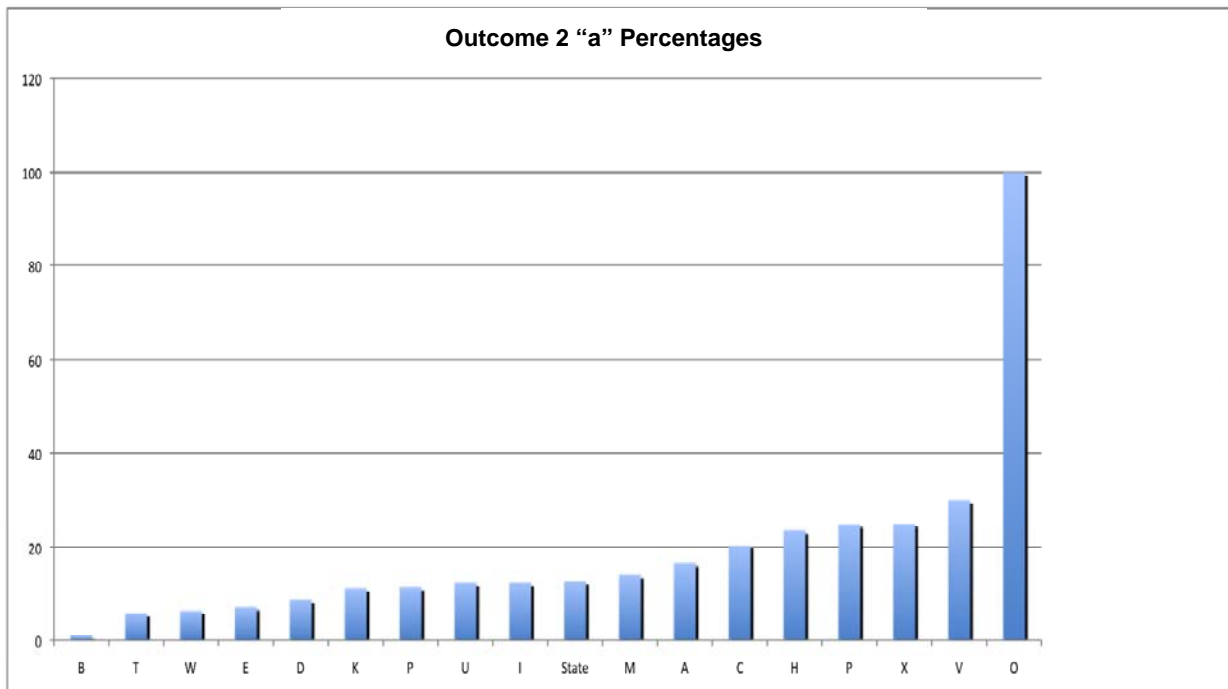
Discussion of Baseline Data

For a third year, the percentage of children for progress level “a. Percent of preschool children who did not improve functioning” greatly exceeded the anticipated percent of children who could fall within this level. In FFY 2006, it was found that of the children represented in progress level “a” all clustered within one local school system. FFY 2007 data showed children falling in progress level “a” distributed across seven local school systems. For FFY 2008, children falling in progress level “a” (equal to or greater than the statewide composite percentage) were distributed across eight local school systems, but not all the same systems that reported similar findings for FFY 2007. In addition, for FFY 2008, percentages of children reported in progress level “e” for all three outcomes increased noticeably. The anecdotal

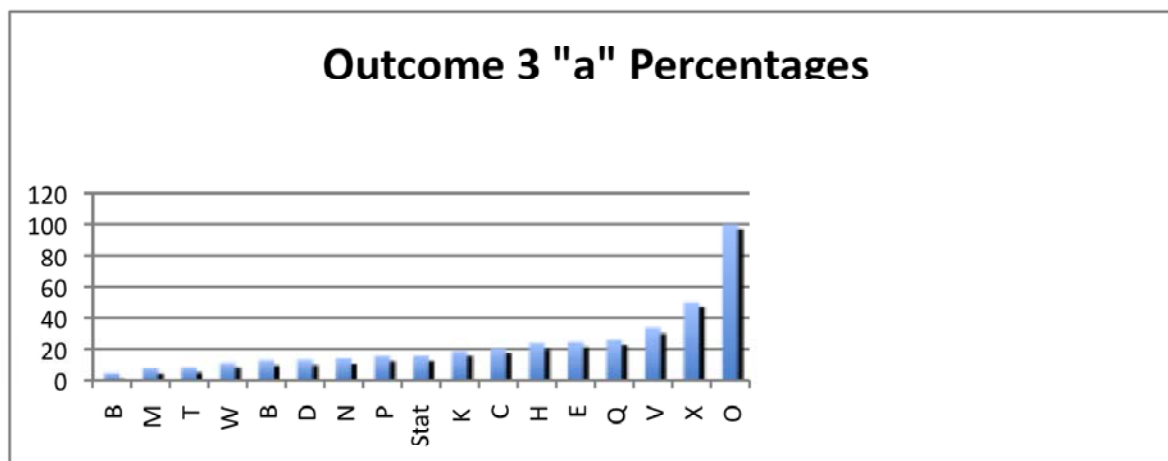
explanation from local school systems reporting these data was that the increase was due to the numbers of children identified as in need of speech-language services, primarily articulation services only. However, the basis for the performance level of “e” across all three outcomes for individual children remains an area for further examination as part of statewide improvement activities.



“a” = Percent of preschool children who did not improve functioning
 (Note: Six local school systems reported 00.00% children as not improving functioning; i.e., all children were reported by these six local school systems as having made progress)



“a” = Percent of preschool children who did not improve functioning
 (Note: Five local school systems reported 00.00% children as not improving functioning; i.e., all children were reported by these five local school systems as having made progress)



“a” = Percent of preschool children who did not improve functioning

(Note: Six local school systems reported 00.00% children as not improving functioning; i.e., all children were reported by these six local school systems as having made progress)

In consultation with State general education early childhood staff, Part B preschool staff identified content areas for enhanced and more extensive professional development currently provided to regular and special early childhood education school and community-based staff on the WSS:

- Consistency of performance ratings for indicators on each age-level of the WSS;
- Developing individual child IEP goals and objectives that align with expectations for school readiness (Maryland State Curriculum); and
- Identification and implementation of appropriate curricular and instructional modifications and accommodations that support access to the general curriculum across early childhood settings.

FFY 2008 Baseline Data Summary Statements

Utilizing FFY 2008 baseline data, two summary statements were developed for each of the three child outcomes. The summary statements provide the basis for establishing measurable and rigorous targets for FFY 09 and FFY 10.

A. Positive social-emotional skills (including social relationships)

- 64.3% of children who entered Maryland's Part B preschool program below age expectations in Outcome Area #1 substantially increased their rate of growth by the time they exited the program.
- 68.5% of children participating in Maryland's Part B preschool program were functioning within age expectations in Outcome #1 by the time they exited the program.

B. Acquisition and use of knowledge and skills (including early language/communication [and early literacy])

- 64.6% of children who entered Maryland's Part B preschool program below age expectations in Outcome Area #2 substantially increased their rate of growth by the time they exited the program.
- 55.3% of children participating in Maryland's Part B preschool program were functioning within age expectations in Outcome #2 by the time they exited the program.

C. Use of appropriate behaviors to meet their needs.

- 58.7% of children who entered Maryland’s Part B preschool program below age expectations in Outcome Area #3 substantially increased their rate of growth by the time they exited the program.
- 66.2% of children participating in Maryland’s Part B preschool program were functioning within age expectations in Outcome #3 by the time they exited the program.

Measurable and Rigorous Targets

Summary Statements	Targets FFY 2009 (% of children)	Targets FFY 2010 (% of children)
Outcome A: Positive social-emotional skills (including social relationships)		
1. Of those children who entered or exited the program below age-expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program.	65.3%	66.3%
2. The percent of children who were functioning within age-expectations in Outcome A by the time they exited the program.	70.5%	71.5%
Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)		
1. Of those children who entered or exited the program below age-expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program.	65.6%	66.6%
2. The percent of children who were functioning within age-expectations in Outcome B by the time they exited the program.	56.3%	57.3%
Outcome C: Use of appropriate behaviors to meet their needs		
1. Of those children who entered or exited the program below age-expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program.	59.7%	61.7%
2. The percent of children who were functioning within age-expectations in Outcome C by the time they exited the program.	63.2%	64.2%

Improvement Activities/Timelines/Resources

In the next reporting period, MSDE will continue training, technical assistance, and quality assurance activities to ensure that the State's 3-5 Child Outcomes system will produce valid and reliable data. Proposed activities include:

Improvement Activities	Timelines	Resources
MSDE will continue to implement a plan for focused technical assistance addressing professional development, data entry, progress reporting and other issues related to measuring child outcomes identified as part of technical assistance planning and activities.	2009-2011	MSDE JHU/CTE WSS Professional Development Consultant
MSDE will develop professional development modules focusing on accuracy and consistency of performance ratings on the Work Sampling System; development of individual child IEP goals and objectives that align with expectations for school readiness (Maryland State Curriculum); and identification and implementation of appropriate curricular and instructional modifications and accommodations that support access to the general curriculum across early childhood settings,	2009-2011	MSDE JHU/CTE WSS Professional Development Consultant Local School System Preschool Special Education Coordinators Local School System Early Learning Coordinators MSDE/Office of Child Care MSDE/Head Start Collaboration Office
MSDE and JHU/CTE staff will coordinate annual update of ECAS data entry system, including incorporating new data collection and reporting features.	2007-2011	MSDE JHU/CTE LSSs/PAs
MSDE, Division of Special Education/Early Intervention Services (DSE/EIS), and the Division of Early Childhood Development (DECD) will jointly develop and coordinate implementation of the annual plan for Maryland Model for School Readiness (MMSR) and ECAS Professional Development, including new module content under development.	2007-2011	MSDE LSSs/PAs Other external consultants
MSDE will annually post new and updated technical assistance and online professional development resource materials on the 3-5 Child Outcomes System on the Early Childhood Gateway.	2007-2011	MSDE JHU/CTE
MSDE will review ECAS Child Outcomes data with LSS/PA preschool special education coordinators to identify and resolve issues related to the accuracy and reliability of WSS ratings entered for Status-at-Entry and Progress-at-Exit at the individual child level.	2007-2011	MSDE LSSs/PAs

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-2.

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
<i>FFY 2008 (2008 – 2009)</i>	85.50% of youth with IEPs will graduate from high school with a regular diploma.

Actual Target Data for FFY 2008: 3483 students with IEPs out of a possible 5181 graduated with a regular diploma. Maryland offers one diploma known as the Maryland High School Diploma. **The requirements for a Maryland High School Diploma are applicable to all students, including youth with IEPs. Data and results presented here are current as of March 2010 and reflective of updates in the Maryland Report Card following the January 2010 submission of the Annual Performance Report (APR)..** This is a graduation rate of 67.23%. Target not Met

The data provided for Indicator 1 of the SPP/APR is taken from the Maryland Report Card. This is the official data reporting source for Maryland Public Schools. The 2009 Graduation Rate is based on the same National Center for Educational Statistics (NCES) calculation formula that Maryland Public Schools have used since NCLB requirements were first implemented. For School Year 2009 – 2010 the Graduation Rate will continue. **The Maryland Report Card can be found at <http://mdreportcard.org>**

Graduation rate means the percentage of students who received a Maryland high school diploma during the reported school year. This is an estimated cohort rate. It is calculated by dividing the number of high school graduates by the sum of the dropouts for grades 9 through 12, respectively, in consecutive years, plus the number of high school graduates. The performance standard for graduation rate for AYP is 90%. The graduation rate for students with disabilities is the same as for nondisabled peers.

Federal Fiscal Year	SPP Target	Special Education Percentage
FFY 2005	83.24%	76.77%
FFY 2006	83.24%	75.61%
FFY 2007	85.50%	72.85%
FFY 2008	85.50%	67.23%

To be awarded a diploma, a student shall be enrolled in a Maryland public school system and have earned a minimum of 21 credits that include the following:

Subject Area	Specific Credit Requirement
English	4 credits
Mathematics	3 credits 1 credit in algebra/data analysis 1 credit in geometry
Science	3 credits 1 credit in biology 2 credits that must include laboratory Experience
Social Studies	3 credits 1 credit in U.S. history 1 credit in world history 1 credit in local, state, national government

The alignment of the high school course credit with the Core Learning Goals requires each student to take courses designed for a High School Assessment (HSA) test. Students must take and achieve a passing score on the HAS for English, algebra/data analysis, biology and government.

Other Requirements

Subject Area	Specific Credit Requirements
Fine Arts	1 credit
Physical Education	½ Credit
Health	½ credit
Technology Education	1 credit
Other	2 credits of foreign language or 2 credits of advanced technology and 3 credits in electives or 4 credits in a State approved career and technology program and 1 credit in an elective

Students must also meet attendance, service learning and any local school system requirements.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage That Occurred for FFY 2008

The data that is used for this report is taken from the Maryland Report Card, the official data reporting source for the Maryland State Department of Education. As explained above, the formula uses a cohort group to determine the graduation rate for students. This formula does not allow for students who do not fit into the cohort group. For example:

- Students who enter Maryland public schools in grades other than Grade 9
- Students who dropout and then return to earn their high school diploma
- Students who have taken more than 4 years to graduate

For School Year 2009 – 2010, the Graduation Rate will continue to be based on the same NCES Calculation formula we have used since NCLB requirements were first implemented.

For School Year 2010 – 2011, MSDE will propose that the Graduation Rate include 2011 four-year graduates and three year graduates from 2010 who entered grade nine in the 2007-2008 school year, the same cohort. If approved by the U. S. Department of Education, MSDE will report and use a combined and weighted four- year/five-year Graduation Rate for accountability which will include students who

graduated in five years. MSDE will use SY 2010 – 2011 for baseline data for the weighted four year/five year Graduation Rate.

For School Year 2011 - 2012 and subsequent years for accountability, MSDE expects to use a weighted Graduation Rate that will include the percentage of students who graduate from secondary school with a regular diploma at the end of four years, three-year graduates who were part of the same cohort entering grade nine, and five-year graduates. MSDE will report the Leaver Rate, the Four-Year Rate, and the Extended Five-Year Rate, all in aggregate and disaggregated form.

Ongoing Improvement Activity Applicable to Indicators 1, 2, 13 & 14

Career and Technical Education

- By improving the collaboration among Career and Technology Education, Special Education and School Counseling, MSDE anticipates an increase in the graduation rate as a result of better planning of appropriate courses of study that will assist students in attaining their postsecondary goals.
- MSDE, Division of Special Education/Early Intervention Services (DSE/EIS) and the Division of Career Technology and Adult Learning (DCTAL) established a workgroup in January 2007. The focus is on students with disabilities in Career and Technology Education (CTE). The workgroup is co-chaired by the DSE/EIS Transition Specialist and DCTAL Regional Coordinator and the membership is comprised of local school system Directors of Special Education and Career and Technical Education, Local Transition Coordinators, Local CTE Special Education Support Teachers, Representatives from the Maryland Higher Education Commission (MHEC) and the Division of Rehabilitation Services (DORS), and Local School Counselors.
- In FFY 2008, the percentage of seniors with disabilities enrolled in Career Technical Education Statewide was 12.92%. Acknowledging this high percentage the workgroup has determined that the following areas of concentration are still appropriate:
 1. Professional development on differentiated instruction for Career and Technical Education teachers
 2. CTE orientation for local transition coordinators, and special education teachers'
 3. Hold regular meeting to discuss and promote best practices in supporting students with disabilities in CTE.

In July 2009, a local school system's Departments of Special Education and Career and Technology collaborated in developing a webinar on "Differentiated Instruction" for teachers. The webinar was funded by a MSDE, DSE/EIS discretionary grant.

The workgroup has conducted a survey of local school systems to determine what collaborative efforts are taking place. The survey results will help direct the activities of the workgroup during the 2009-2010 school year.

Maryland School Completion Project

Maryland continues the Maryland School Completion Project (MSCP) in conjunction with the National Dropout Prevention Center for Students with Disabilities (NDPC-SD). Two local school systems are participating in this demonstration project. One local school system has been involved in the project for two years and there is evidence of improvement. Professional development activities began in a second local school system in January 2009.

In the local school system that was the first demonstration site for MSCP, completion/dropout prevention interventions took place in two high schools beginning in FFY 2006 and resulted in an increase of 11.04% in the graduation rate of youth with IEPs in FFY 2007. There continues to be an increase in the graduation rate. In FFY 2008 there was an increase of 3.25%. The project has grown to include the

establishment of a subcommittee concentrating on increasing the completion rate of youth with IEPs in Career and Technology Education programs. In FFY 2008 discretionary grant monies were used to hire mentors for the two schools that are participating in the project.

Staff from the National Dropout Prevention Center for Students with Disabilities and Cecil County Public Schools presented at the Maryland Special Education/Early Intervention Services Leadership Conference in September 2008. They provided information on the school completion initiatives instituted in the participating schools. As a result of the presentation 3 school districts have received technical assistance on school completion from Cecil County.

Bridge to Excellence Master Plan

Participation in the review of local school system “Bridge to Excellence Annual Master Plans” continues to be a useful tool for learning what interventions are being used to increase the graduation rate of students with disabilities. Based upon the recommendation of the review panel, technical assistance is provided to the local school system that will address Indicators 1, 2, and 13, leading to successful outcomes in Indicator 14.

Interagency Transition Council

Participation in the quarterly meetings of the Interagency Transition Council provides the Division information on participating agency activities, policies, and procedures that will impact the transition of students to their stated postsecondary outcomes. Current information is shared with local school systems to aid in transition planning for students.

Collaboration with the Division of Rehabilitation Services

The Division of Special Education/ Early Intervention Services began the collaborated with the Division of Rehabilitation Services on the development of a referral protocol during FFY 2008. The protocol will ensure that the correct students are referred for services. The protocol will be rolled out in FFY 2009 and then reviewed annually for accuracy.

Parent Training on Transition

Local Transition Coordinators and parents began work on a parent training on Transition during FFY2008. The product can be used in all local school systems. The training will be piloted in 2 local school systems in FFY 2008. The committee will refine the training and roll it out for all school systems in the spring of 2010. A standing committee will have oversight of the training to ensure that it remains current with information on the transition process.

Transition Conference

The December 2008 Interagency Transition Council Conference, co-sponsored by MSDE, was a two day professional development event attended by 725 professionals, parents, and students. The presentations were divided into 3 strands. There was one strand each for professional, families and students. The information related to strategies and interventions is used to assist students in completing their secondary education and preparing for their postsecondary outcomes.

Discretionary Grants

The use of discretionary grants, awarded by the Division, has allowed local school systems to develop and implement interventions and strategies that lead to improved results for students.

Technical Assistance Sources from Which the State Received Assistance, and What Actions the State took as a Result of That Technical Assistance

- MSDE continues to work with NDPC-SD in providing technical assistance via phone conference, webcasts, and onsite visits. All local school systems have participated in the remote sessions. Materials produced by NDPC-SD are being given to lead transition coordinators of local school systems at quarterly meetings.
- MSDE continues to work with the National Secondary Transition Technical Assistance Center (NSTTAC) in providing technical assistance via phone conferences and publications. Guidance on transition planning has been provided to all local school systems.
- A Maryland Interagency Team participated in the Transition Conference held in Charlotte, N.C. in May, 2009. The team refined the State plan to improve transition services. The team recommended that local transition councils be established. With the assistance of the State Interagency Council, these local councils will be piloted in 2 counties in 2009.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2009

Improvement Activities	Timelines	Resources	Justification
Develop a cadre of professionals to serve as direct technical assistance and professional development resource personnel to assist schools to increase the graduation rate. NEW	July 1, 2010 and ongoing	DSE/EIS staff NDPC-SD LSS Personnel	Direct technical assistance and professional development to LSSs and Public Agencies to increase graduation rates.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
<i>FFY 2008 (2008 – 2009)</i>	The dropout rate of students with IEPs will be 3.00% or less.

Actual Target Data for FFY 2008: 4.31% Target Not Met

1,276 students with IEPs dropped out of high school, grade 9 through 12. It was reported in the Maryland Report Card that 29,596 students with IEPs attended high school in 2009. This is a dropout rate of 4.31%. The data provided for Indicator 2 is taken from the Maryland Report Card. Data and results presented here are current as of March 2010 and reflective of updates and changes following the January 2010 submission of the Annual Performance Report (APR). This is the official reporting source for Maryland Public Schools. The Maryland Report card can be found at <http://mdreportcard.org>

In accordance with Code of Maryland Regulations (COMAR) 13A.08.01.07, Maryland defines a “dropout” as a student who, terminates his/her formal education, for any reason other than death, leaves school before graduation or the completion of a Maryland-approved educational program (including a special education program) and is not known to enroll in another school or State-approved program during a current year. The dropout rate is calculated as the percentage of students dropping out of school in grades 9 through 12 in a single year. The number and percentage of students who leave school for any reason, except death, before graduation or completion of a Maryland approved educational program and who are not known to enroll in another school or state approved program during the current school year. The year is defined as July through June and includes students dropping out over the summer and students dropping out of evening high school and other alternative programs. The dropout rate is computed by dividing the number of dropouts by the total number of students in grades 9 – 12 served by the school. The dropout rate is computed by dividing the number of dropouts by the total number of students in grades 9 – 12 served by the school. Students who re-enter school during the same school year in which they dropped out of school are not counted as dropouts. The same measure is used for all students, including students with IEPs.

Federal Fiscal Year	SPP Target	Special Education Percentage
FFY 2005	3.81%	5.57%
FFY 2006	3.81%	4.95%
FFY 2007	3.54%	5.78%
FFY 2008	3.00%	3.11%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

Maryland did not meet the interim target of 3.00% established by the Maryland State Board of Education. Youth with IEPs had a dropout rate of 3.11%. This was a decrease of 2.67% from FFY 2007. There were only seven local school systems that had an increase in the dropout rate. The largest increase was 2.15%. Two school systems did not have any students with IEPs dropout out and it was the second year in a row. Twelve school systems had a dropout rate that met or exceeded the state target. Three local school systems experienced decreases of 7% or greater.

The following has activities have resulted in a decrease in the dropout rate for students with disabilities.

- Increase in the number of students with disabilities participating in Career and Technology Education. In school year 2008 – 2009. There were 3,483 students with disabilities who graduated and of that total 1,158 completed a Career and Technology program.
- Two local school systems have blended Special Education and Career and Technology monies to support additional academic support staff for students participating in Career and Technology education.
- One county has instituted career mentoring for all students. This approach provided weekly contact between teacher/mentors and students that research has proven to be an effective tool in keeping students engaged.

MSDE completed all activities with the exception of those marked annually or ongoing.

As described in Indicator 1, the Improvement Activities are applicable to Indicators 1, 2, 13, and 14. The following describes ongoing improvement activities that are in addition to those described in Indicator 1.

Ongoing Improvement Activity Applicable to Indicators 1, 2, 13 & 14**Maryland School Completion Project**

The Division continues the provision of technical assistance to local school systems to increase their capacity to prevent students from dropping out. Identified promising practices, as a result of the Maryland School Completion Project (MSCP), are shared with local transition coordinators. During FFY 2008 one (1) school system initiated a “Check and Connect” program using discretionary grant funds.

The Division continues the provision of technical assistance on identifying youth with IEPs “at risk” for dropping out. With the assistance of the NDPC-SD an “at risk” calculator has been developed and will be used in identifying students for interventions by local school systems.

Technical Assistance/Professional Assistance

The Division continues the provision of professional development to local school systems on secondary transition planning and student involvement in the process. The professional development activities stress appropriate transition planning as an excellent dropout prevention intervention. The technical assistance material published by the National Secondary Transition Technical Assistance Center is used as part of the technical assistance.

Technical Assistance Sources from which the State Received Assistance, and What Actions the State took as a Result of that Technical Assistance: Please refer to Indicator 1, page, 24.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2009: N/A

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

A. AYP percent = [(# of districts with a disability subgroup that meets the State’s minimum “n” size that meet the State’s AYP targets for the disability subgroup) divided by the (total # of districts that have a disability subgroup that meets the State’s minimum “n” size)] times 100.

B. Participation rate percent = [(# of children with IEPs participating in the assessment) divided by the (total # of children with IEPs enrolled during the testing window, calculated separately for reading and math)]. The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.

C. Proficiency rate percent = [(# of children with IEPs enrolled for a full academic year scoring at or above proficient) divided by the (total # of children with IEPs enrolled for a full academic year, calculated separately for reading and math)].

On Thursday, January 8, 2009, during the OSEP SPP TA Conference Call, participants were informed that “EDFacts States” were not required to attach a copy of Table 6 with the APR. Maryland is an EDFacts State. It is our understanding that EDFacts files do not include:

- Number of students included within the NCLB 1% Cap; and
- Number of students included within the NCLB 2% Cap.

The MSDE Division of Accountability and Assessment (DAA) collect Statewide assessment data for the Department, including assessment data for students with disabilities. To ensure required Section 618 data submissions are timely and accurate, Maryland is submitting a copy of Table 6. The attached Table 6 includes:

- Reasons for nonparticipants;
- Number of students within the NCLB 1% cap; and
- Number of students within the NCLB 2% cap.

FFY	Measurable and Rigorous Target																								
<p>FFY 2008 (2008-2009)</p>	<p>A. 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.</p> <p>B. 95% of students with disabilities will participate in the Statewide assessment system.</p> <p>C. Student with disabilities will meet the content area AMO as follows:</p> <table border="1" data-bbox="618 569 1279 924"> <thead> <tr> <th>Grade</th> <th>Mathematics AMO</th> <th>Reading AMO</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>76.09%</td> <td>72.73%</td> </tr> <tr> <td>4</td> <td>75.95%</td> <td>80.75%</td> </tr> <tr> <td>5</td> <td>70.64%</td> <td>76.14%</td> </tr> <tr> <td>6</td> <td>65.60%</td> <td>77.50%</td> </tr> <tr> <td>7</td> <td>64.15%</td> <td>76.25%</td> </tr> <tr> <td>8</td> <td>63.18%</td> <td>74.09%</td> </tr> <tr> <td>10 [EoC = end of course²]</td> <td>56.11% Algebra Data Analysis</td> <td>65.83% English</td> </tr> </tbody> </table>	Grade	Mathematics AMO	Reading AMO	3	76.09%	72.73%	4	75.95%	80.75%	5	70.64%	76.14%	6	65.60%	77.50%	7	64.15%	76.25%	8	63.18%	74.09%	10 [EoC = end of course ²]	56.11% Algebra Data Analysis	65.83% English
Grade	Mathematics AMO	Reading AMO																							
3	76.09%	72.73%																							
4	75.95%	80.75%																							
5	70.64%	76.14%																							
6	65.60%	77.50%																							
7	64.15%	76.25%																							
8	63.18%	74.09%																							
10 [EoC = end of course ²]	56.11% Algebra Data Analysis	65.83% English																							

3.A - Percent of districts that have a disability subgroup that meets the State’s minimum “n” size meeting the State’s AYP objectives for progress for disability subgroup.

Actual AYP Target Data for FFY 2008: 20% (5 of 25³ local school systems) Target Not Met

<p>3A. 20% or 5 out of 25 local school systems met AYP objectives for progress for students with disabilities during 2007-2008.</p>			
<p>For all students, including students with disabilities, all of Maryland's 25 local school systems met the minimum “N” subgroup size of ≥ 5.</p>			
<p>In FFY 2008 Maryland opened a public residential school for at-risk students, including students with disabilities. The Maryland General Assembly passed legislation to establish the SEED School of Maryland as a statewide college-preparatory public boarding school; this school operates as a local school system and increases the local school systems in Maryland from 24 to 25.</p>			
Fiscal Year	Met AYP for Students With Disabilities in Mathematics	Met AYP for Students With Disabilities In Reading	Met AYP for Students With Disabilities in Both Mathematics and Reading
<p>2008-2009</p>	<p>5 of 25 districts 20%</p>	<p>7 of 25 districts 28%</p>	<p>5 of 25 districts 20%</p>
<p>2007-2008</p>	<p>11 of 24 districts 46%</p>	<p>11 of 24 districts 46%</p>	<p>9 of 24 districts 38%</p>
<p>2006-2007</p>	<p>12 of 24 districts 50%</p>	<p>9 of 24 districts 38%</p>	<p>9 of 24 districts 38%</p>

² EoC = End of Course Assessment

³ In FFY 2008 Maryland opened a public residential school for at-risk students, including students with disabilities. This school operates as a local school system.

APR Template – Part B (4)

MARYLAND
State

2005-2006	14 of 24 districts 58%	5 of 24 districts 21%	5 of 24 districts 21%
2004-2005	9 of 24 districts 38%	10 of 24 districts 42%	7 of 24 districts 29%

3.B – Actual Participation Target Data for FFY 2008: Participation – 99.03% for Math; and 99.18% for Reading. Targets Met.

The FFY 2008 participation rate was > 95% for each assessed grade, in each content area. The participation rate for mathematics is 99.03% $[(7034+7388+7802+7625+7340+7496+5598) / 50777] * 100$ and exceeded the State target of 95%. The percentage of children with IEPs for mathematics is 11.92% $[(7075+7418+7842+7691+7435+7646+5670) / 425822] * 100$ (425822 represents the total number of all students in assessed grades).

The participation rate for reading is 99.18% $[(7045+7399+7810+7636+7362+7524+5433) / 50624] * 100$ and exceeded the State target of 95%. The percentage of children with IEPs in reading is 11.8% $[(7075+7423+7848+7690+7445+7641+5502) / 428986] * 100$ (428986 represents the total number of all students in assessed grades) Maryland has again exceeded the target set for Indicator 3B.

Below are FFY 2008 data tables for mathematics and reading participation.

Statewide Assessment 2008– 2009		Mathematics Assessment								Total	
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC			
		#	%								
a.	Children with IEPs	7075	7418	7842	7691	7435	7646	5670	50777	11.92%	
b.	IEPs in Regular Assessment with No Accommodations	1617	1492	1339	1195	1067	1108	1895	9713	24.49%	
c.	IEPs in Regular Assessment with Accommodations	4890	5368	5884	4376	4063	3855	1520	29956	75.51%	
d.	IEPs in Alternate Assessment against Grade-level Standards	At this time Maryland does not have an alternate assessment that assesses children against grade-level standards for Grades 3-5.			1358	1580	1857	1182	5977	56.31%	
e.	IEPs in Alternate Assessment against Alternate Standards	527	528	579	696	630	676	1001	4637	43.69%	
f.	Overall (b+c+d+e) Participation and Percentage	7034 99.42%	7388 99.60%	7802 99.49%	7625 99.14%	7340 98.72%	7496 98.04%	5598 98.73%	50283	99.03%	
Children included in 'a' but not included in the other counts above.											
Non-participants		41	30	40	66	95	150	72	494		

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Statewide Assessment 2008–2009		Reading Assessment								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EoC	Total	
									#	%
a.	Children with IEPs	7075	7423	7848	7690	7445	7641	5502	50624	11.8%
b.	IEPs in Regular Assessment with No Accommodations	1625	1522	1381	1284	1169	1229	1663	9873	24.95%
c.	IEPs in Regular Assessment with Accommodations	4893	5349	5850	4369	3923	3814	1507	29705	75.05%
d.	IEPs in Alternate Assessment against Grade-level Standards	At this time Maryland does not have an alternate assessment that assesses children against grade-level standards for Grades 3-5.			1287	1640	1805	1262	5994	56.38%
e.	IEPs in Alternate Assessment against Alternate Standards	527	528	579	696	630	676	1001	4637	43.62%
f.	Overall (b+c+d+e) Participation and Percentage	7045 99.58%	7399 99.68%	7810 99.52%	7636 99.30%	7362 98.89%	7524 98.47%	5433 98.75%	50209	99.18%
Children included in 'a' but not included in the other counts above.										
Non-participants		30	24	38	54	83	117	69	415	

3.C – Actual Performance Target Data for FFY 2008

Although Maryland did not meet the target for the special education subgroup in all grades for mathematics and reading, the following progress was achieved: progress was made in all grades for mathematics except for grade 3 and high school; progress was made in all grades for reading except for grades 4. Since the Maryland targets for performance for students with disabilities on statewide assessments are identical for all students and student subgroups, there are no anticipated changes in Annual Measurable Objectives, Adequate Yearly Progress guidelines, or standards for participation rates. In mathematics, the proficiency rate observed for FFY 2008 is 50.04% [(4113+4962+4184+3568+3206+2686+2691) / 50777] * 100.

In reading, the proficiency rate observed for FFY 2008 is 60.39% [(4857+5151+5752+4391+3925+3847+2650) / 50624] * 100.

The table below includes Ca, Cb, Cc, Cd, Ce, and Overall Percentage for Proficiency (Cf)

Statewide Assessment FFY 2007 2008–2009		Mathematics Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC	Total #	
										#
a.	Children with IEPs	7075	7418	7842	7691	7435	7646	5670	50777	11.92%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	3725	4547	3725	2629	2212	1782	1749	20369	51.35%
	See Above	Maryland does not disaggregate performance levels of children using accommodations from those children not using accommodations								
d.	IEPs in Alternate Assessment against Grade-level Standards	At this time Maryland does not have an alternate assessment that assesses children against grade-level standards for Grades 3-8.			394	504	375	200	1473	24.64%
e.	IEPs in Alternate Assessment against Alternate Standards	388	415	459	545	490	529	742	3568	76.95%
f.	Overall (b+c+d+e) Proficiency Percentage	4113 58.13%	4962 66.90%	4184 53.35%	3568 46.39%	3206 43.12%	2686 35.13%	2691 47.46%	25410	50.04%

Statewide Assessment FFY 2007 2008–2009		Reading Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EoC	Total #	
										#
a.	Children with IEPs	7075	7423	7848	7690	7445	7641	5502	50624	11.8%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	4406	4683	5248	3353	2862	2644	1507	24703	62.45%
	See Above	Maryland does not disaggregate performance levels of children using accommodations from those children not using accommodations								
d.	IEPs in Alternate Assessment against Grade-level Standards	At this time Maryland does not have an alternate assessment that assesses children against grade-level standards for Grades 3-8.			460	540	649	341	1990	33.20%
e.	IEPs in Alternate Assessment against Alternate Standards	451	468	504	578	523	554	802	3880	83.67%
f.	Overall (b+c+d+e) Proficiency Percentage	4857 68.65%	5151 69.39%	5752 73.29%	4391 57.10%	3925 52.72%	3847 50.35%	2650 48.16%	30573	60.39%

FFY 2004 through FFY 2008
Proficiency Percentages

Grade Level	Mathematics						Reading					
	Baseline FFY 2004	FFY 2005	FFY 2006	FFY 2007	Target FFY 2008	Actual Data FFY 2008	Baseline FFY 2004	FFY 2005	FFY 2006	FFY 2007	Target FFY 2008	Actual Data FFY 2008
3	51.2	53.0	54.97	60.27	76.09	58.13 ↑ ⁴	52.7	57.5	54.97	63.33	72.73	68.65 ↑
4	48.8	54.9	62.63	66.85	75.95	66.90 ↑	57.1	58.5	62.63	72.23	80.75	69.39 ↑
5	38.8	41.9	51.59	52.52	70.64	53.35 ↑	46.6	48.9	51.59	67.51	76.14	73.29 ↑
6	25.7	30.9	40.46	44.51	65.60	46.39 ↑	36.1	36.9	40.46	51.24	77.50	57.10 ↑
7	22.6	26.6	30.58	35.23	64.15	43.12 ↑	32.2	36.3	30.58	49.48	76.25	52.72 ↑
8	21.7	23.3	27.22	29.51	63.18	35.13 ↑	31.3	30.8	27.22	38.81	74.09	50.35 ↑
Grade 10/EOC	23.4 Algebra/ Data Analysis	31.0	37.33	49.95	56.11	47.46 ↑	22.3 English	26.1	37.33	45.91	65.83	48.16 ↑

⁴ ↑ Arrows indicate growth over the baseline year's performance by grade level for students with disabilities. The table compares five years of proficiency data. Proficiency includes those students with IEPs performing at the proficient and advanced levels combined.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

MSDE completed all activities with the exception of those marked annually or ongoing.

Indicator 3A

Maryland did not meet its target for Indicator 3A. The target for Indicator 3A is to increase the number of local school systems making AYP. Results showed that 20% (5 of 25 local school systems) met AYP in special education for both reading and math for the special education subgroup. Although slippage occurred for FFY 2008 the special education subgroup made progress in local school systems across the State; however, the rate of improvement is not consistent with the increasing Annual Measurable Objectives. As we move closer to the target set by No Child Left Behind of 100% proficiency by 2014, Maryland has to increase the targets each year to move students closer to the 100% target. Although students with disabilities are making progress, (This is especially commendable since the “n” size for student accountability in Maryland is 5 or more students with disabilities), their progress is not advancing at the same rapid rate as the increasing targets each year.

Increased efforts will be made to improve student performance and thereby increase the number of local school systems that make AYP for the special education subgroup. The Division of Special Education/Early Intervention Services (DSE/EIS) continues to award achievement grants that support evidence-based practices and support local school system outreach through funded discretionary grants to accelerate performance of the special education subgroup. To improve the achievement of students with disabilities, Maryland has initiated a systemic co-teaching initiative. A Co-Teaching Framework including vision and mission statements, and a State definition of co-teaching was developed to promote a common language and quality implementation of effective practices to be implemented with fidelity across the State. This co-teaching effort emphasizes capacity building at the local school system and school level for both general and special education administrators and teachers to improve the achievement of students with disabilities.

Indicator 3B

The participation of the special education subgroup in Statewide assessments continues to exceed the 95% target for all tested grade levels – grade 3 through 8 and grade 10/end-of-course assessments. All Maryland students with disabilities participated in either the Maryland School Assessment (MSA), the Alternate MSA (Alt-MSA), the modified Maryland School Assessment (Mod-MSA) or the modified High School Assessment (Mod-HSA) except for a limited number of nonparticipants. Maryland does not administer out of grade level assessments. There is now a Modified High School Assessment at grade 10 for English and Algebra/Data Analysis. Maryland implemented the Modified High School Assessments (Mod-HSA) in 2008; consequently, appeals can only be submitted for students with disabilities in high school who were administered their last HSA in algebra/data analysis and/or English in January 2008 or earlier.

Indicator 3C

The proficiency rates of children with IEPs, although showing progress in most grade levels for the special education subgroup in mathematics and reading across all assessed grades, did not make sufficient progress to meet each of Maryland’s targets. In mathematics, every grade level showed progress except for grade 3 and grade 10/end-of-course. In reading, every grade level showed progress except for grade 4. The special education subgroup is making progress in local school systems across the State; however, the rate of improvement is not improving at the same rate as the increasing Annual Measurable Objectives. The special education subgroup continues to make greater rates of growth in all assessed grades in reading and mathematics when compared with the rates of growth for the performance of general education students. The preceding table displays the overall percentages of children with IEPs that achieved proficient/advanced, by grade levels and content areas, from FFY 2004

through FFY 2008. It is important to note, in every grade assessed, the special education subgroup has shown significant progress since the baseline year of FFY 2004.

In FFY 2008, Maryland showed a decrease in the proficient/advanced levels for the Alt-MSA test takers when compared to last year's Alt-MSA results. In mathematics, 494 additional students scored basic, while in reading, 200 additional Alt-MSA test takers scored basic. This fluctuation may be attributed to the use of an increasingly rigorous scoring rubric for reading and mathematics content found in the State Curriculum. Artifacts developed to align the mastery objectives to the State Curriculum for the Alt-MSA portfolio demonstrated a lack of test examiner understanding in the content areas of reading and mathematics. Professional development materials were developed and disseminated to explain and illustrate errors in artifact submission resulting in condition codes. Content Guidance documents were developed, disseminated and posted on the State's website. Alt-MSA online professional development modules are being developed to address the Alt-MSA instruction and assessment process. Professional development on the Alt-MSA process and reading, mathematics and science content areas was provided to the Alt-MSA Facilitators and nonpublic school representatives, who in turn disseminated the professional development session content to test examiners in local school systems and nonpublic schools through turn-around training sessions.

Additional improvement activities are being incorporated to improve academic performance. These activities are described below:

- To improve the achievement of students with disabilities, Maryland has initiated a systemic co-teaching initiative. A Co-Teaching Framework including a vision, mission, and a State definition of co-teaching was developed to promote a common language and quality implementation of effective practices to be implemented with fidelity across the State. This co-teaching effort emphasizes capacity building at the local school system and school level for both general and special education administrators and teachers. In addition, co-teaching provides the opportunity for students with disabilities to not only have greater access to the general education curriculum, but to have instruction provided by highly qualified content area teachers in the least restrictive environment. Co-teaching is not being presented in isolation, but as a differentiation implementation strategy based upon the framework provided by universal design for learning principles. Professional development regarding the use of formative assessments to identify learner needs, universal design principles, and differentiated instruction will be provided to both general and special educators to enhance instructional delivery for improved student achievement.
- In FFY 2008 Maryland conducted Regional Trainings for local school systems and nonpublic school representatives regarding Mod-MSA and students with disabilities enrolled in grades 6-8. The Mod-MSA Regional Training participants included Directors of Special Education, Individualized Education Program Team chairperson, principal or principal designees, Local Accountability Coordinators and School Test Coordinators. All professional development was provided to Mod-Assessment Facilitators, who disseminated the training information to applicable school-based personnel related to the administration of the Mod-MSA. Professional Development materials were developed to provide training participants an understanding of the eligibility requirements for students with disabilities participation in the Mod-MSA. Ongoing technical assistance regarding Mod-MSAs and Mod-HSAs for students with disabilities will continue to be provided to local school systems and nonpublic school representatives.
- Provide technical assistance and professional development to local school systems (LSSs) and nonpublic schools on instruction and assessment in reading, mathematics and science as found in the state curriculum. Continue monthly Alt-MSA Facilitator meetings (a representative from each local school system attends) to provide guidance and support in the assessment process.
- To improve the achievement of students with disabilities, technical assistance will be provided to local school systems regarding the eligibility requirement for participation in the Alternative and Modified Assessments.

- Develop revised Content Guidance Documents to include comprehensive understanding of Maryland Content Standards in reading, mathematics and science.

Ongoing Improvement Activities

- The Division continues to participate in the MSDE review of local school system Bridge to Excellence (BTE) Annual Master Plan Updates to review objectives and activities designed to improve the performance of students with disabilities that will lead to achieving AMO, AYP and established targets.
- The Division continues to collect data on students with disabilities with accommodations.
- The Division continues to advise local school systems and Special Placement Schools of actions taken by the State Board of Education and Department relative to Statewide Assessments.
- The Division continues to provide professional development modules to local school systems and public agencies (PA) on instructional strategies, instructional delivery models, and the State Curriculum (SC).
- The Division continues to provide technical assistance to local school systems regarding the instruction and achievement of the special education subgroup. The Division awards achievement grants that support evidence-based practices and support local school system outreach on funded discretionary grants to accelerate performance.
- The Division continues to expand the web-based statewide IEP system currently being used to increase the development of quality IEP goals and objectives based on the student's present levels of academic performance, and aligned with the SC indicators.
- The Division continues to annually review and revise "A Guide to Selecting, Administering, and Evaluating the Use of Accommodations for Instruction and Assessment of Students with Disabilities."
- To enhance the www.md.k12 website with information and resources regarding children and youth with IEPs.
- The Division continues to participate in national and State research and policy organizations to ensure current information on what is working to improve performance for children with IEPs.
- The Division continues to participate in the national NCLB/IDEA Partnership to facilitate development of Title I and Special Education initiatives to accelerate student subgroup performance, including students with disabilities and FARMS.
- The Division continues to annually review and revise the Alt-MSA Handbook and Condition Code Packet, and provides technical assistance to local school systems and nonpublic schools.
- The Division will continue to review/revise the <http://mdideareport.org> for reporting assessment and other local school system data to enhance readability.
- The Division will continue to promote the ongoing use of State developed on-line High School Assessment (HSA) courses to support special education students in passing the algebra/data analysis, English 10, government, and biology end-of-course exams.
- The Division will annually review and revise the SPP public website <http://mdideareport.org> as required by IDEA. Indicator 3 information includes statewide performance and participation by grade level and content area for each local school system.

- The Division will continue to provide further guidance to local school systems on Maryland’s “Tiered Instructional Approach to Support Achievement for All Students - Maryland’s Response to Intervention Framework.”

Public Reporting Information

The reader may wish to refer to Maryland’s revised FFY 2005 – 2010 State Performance Plan when reviewing the information included in Maryland’s FFY 2008 Annual Performance Report. The documents are available at: <http://www.marylandpublicschools.org> or <http://mdideareport.org>. **The State’s web link to 2008 publicly-reported assessment results can be found at** The Maryland Report Card on the performance of all students, including students with disabilities can be found at <http://www.marylandpublicschools.org> or <http://mdreportcard.org>.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): N/A

Revisions, with Justification, to Improvement Activities/Targets/Timelines/Resources for FFY 2009

Improvement Activities	Timelines	Resources	Justification
Complete Mod-MSA appeals and Mod-HSA appeals process.	July 1, 2005 through August 2009 REVISED	DSE/EIS staff Consultants	Revised improvement activity to include Mod-HSA appeals activity.
Systemic Co-Teaching Initiative to improve student achievement.	March 2008 through July 2012 NEW	DSE/EIS staff, Division of Leadership Development staff, Division of Instruction staff and Consultants	To improve knowledge and skills of teachers and administrators for implementation of effective instructional co-teaching practices that improve student achievement.
Mod-MSA regional trainings for local school systems and nonpublic school representatives for students with disabilities enrolled in grades 6-8.	August 2008 through January 2009 NEW	DSE/EIS staff, DAA staff,	To improve knowledge and skills of IEP team members on Modified Assessments and Eligibility for participation, Standards-based IEPs, and Accommodations
Provide technical assistance and professional development to local school systems (LSSs) and nonpublic schools on instruction and assessment in reading, mathematics and science as found in the State curriculum.	August 2008 and Ongoing NEW	DSE/EIS staff, DAA staff, DCI staff	To improve knowledge and skills of IEP team members on effective instruction and assessment as found in the state curriculum.
Technical assistance will be provided to local school systems regarding the eligibility requirement for participation in the Alternative and Modified Assessments.	August 2007 and Ongoing NEW	DSE/EIS and DAA staff	To improve knowledge and skills of IEP team members on the decision making process for determining the appropriate assessment for students with disabilities based on eligibility criteria.
Develop revised Content Guidance Documents to include comprehensive understanding of Maryland Content Standards in reading, mathematics and science.	August 2008 and Ongoing NEW	DSE/EIS staff, DAA staff, DCI staff	To improve knowledge and skills of IEP team members on understanding the Maryland Content Standards.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-2.

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

- A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.

The data is submitted on all students by local school systems to the MSDE Division of Accountability and Assessment (DAA) for Table 5 of Information Collection 1820-0621 (Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days). Please refer to attached Table 5. The State verifies the reliability and accuracy of the State's data through automated verification checks through its database.

Definition of Significant Discrepancy and Methodology

Maryland identifies local school systems with significant discrepancy by comparing the percentage of students with disabilities suspended to the percentage of students without disabilities suspended. If the percentage of suspensions among students with disabilities is twice that of the percentage of suspensions among students without disabilities the local school system is identified as significantly discrepant. However, the local school system is not identified as significantly discrepant if there are less than 20 students with disabilities in the suspension category. Please refer to attached Table 5.

FFY	Measurable and Rigorous Target
FFY 2007 (2007-2008)	A. No more than four (4) or 16.67% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.

Actual Target Data for FFY 2008:

For this indicator, report data for the year before the reporting year (FFY 2007 data).

Three (3) of 24 local school systems (12.5%) show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students. **Exceeds Target.**

Number and Percent of Local School Systems with Significant Discrepancies						
	FFY 2007 (2007-2008)		FFY 2006 (2006-2007)		FFY 2005 (2005-2006)	
	#	%	#	%	#	%
Single Suspension of Greater than 10 Days	2	8.3%	2	8.3%	2	8.3%
Multiple Suspension Summing to Greater than 10 Days	3	12.5%	3	12.5%	9	37.5%

The local school systems in the tables above include all local school systems identified as significantly discrepant for suspension of students with disabilities compared to nondisabled students. Three local school systems were identified as significantly discrepant in multiple suspensions summing to greater than 10 days. Two of these three local school systems were also identified as significantly discrepant in single suspensions of greater than 10 days.

Local School Systems With Significant Discrepancy in Rates for Suspension and Expulsion

FFY	Total Number of LEAs	Number of LEAs that have Significant Discrepancies	Percent
FFY 2007 (2007-2008)	24	3	12.5%

Review of Policies, Procedures, and Practices (FFY 2007):

For each of the three (3) local school systems the State identified as having a significant discrepancy in the rate of suspension and expulsions of greater than 10 days in a school year for students with IEPs, the State reviewed, and the local school systems and the State’s policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that the policies, procedures, and practices comply with IDEA. In addition, staff members from the Division’s Office of Monitoring for Continuous Improvement and Results reviewed the records of randomly selected students with disabilities suspended for greater than 10 days in the three (3) identified local school systems to determine if procedural violations have occurred.

The State found noncompliance with the requirements of IDEA in two (2) of the three (3) local school systems that had been identified with a significant discrepancy. The State notified the two (2) local school systems of their noncompliance and required the local school systems to revise the noncompliant policies, procedures, and practices as soon as possible, but in no case later than one year from date of identification. The State provided ongoing and intensive technical assistance to these two (2) local school

systems. Progress updates from the systems were due at least quarterly. In one (1) system guidance and oversight was provided on a monthly basis. Correction of noncompliance with the implementation of specific regulatory requirements in both of the local school systems was verified within one year of notification of noncompliance.

Beyond the review required by CFR §300.170(b) and as part of the State's system of general supervision, the State conducts ongoing reviews of policies and procedures throughout the state to ensure compliance with disciplinary procedures.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2007:

MSDE completed all activities with the exception of those marked annually or ongoing.

In FFY 2007, two local school systems (8.3%) were identified as significantly discrepant for single suspensions of greater than 10 days. Both local school systems had been identified as significantly discrepant for single suspensions of greater than 10 days in FFY 2005 and both local school systems experienced a decrease in single suspensions of greater than 10 days in FFY 2006.

In FFY 2007, three local school systems (12.5%) were identified as significantly discrepant for multiple suspensions summing to greater than 10 days. The same three local school systems had been identified as significantly discrepant in FFY 2005 and FFY 2006. Statewide, there has been an overall decrease from nine local school systems (37.5%) identified as significantly discrepant in the rate of multiple suspensions in FFY 2005 to three local school systems in FFY 2007. Two local school systems continue to reduce the number and the ratio of multiple suspensions of students with disabilities as compared to nondisabled peers. In one local school system the ratio of students with disabilities suspended compared to non-disabled students suspended declined from 3.86 (154) to 2.66 (80). Likewise, a second local school system has shown a steady decline in the ratio of students with disabilities suspended compared to non-disabled students from a ratio of 3.23 (41) to 2.22 (22). One local school system has an increase in the suspension of students with disabilities compared to non-disabled students from a ratio of 2.70 (157) in FFY 2005 to 3.88 (150) in FFY 2007.

A review of suspension data between FFY 2005, 2006, and 2007 shows a continuing reduction in the rate and number of local school systems identified as significantly discrepant due to multiple suspensions summing to greater than 10 days of students with disabilities compared to nondisabled students. The number of local school systems with single suspensions of greater than 10 days for students with disabilities compared to nondisabled students has remained constant with two local school systems representing 8.3% of the local school systems in the State.

The following are examples of activities that had a measurable impact on reducing discrepancies in the rate of the suspension and expulsion of students with disabilities:

- Professional development trainings in Positive Behavioral Interventions and Supports (PBIS), cultural competency, social skills, group and individual student support systems, behavior intervention plans, and differentiated instruction were provided to local school system personnel by nationally recognized experts, and State and local specialists.
- Supporting the expansion of PBIS in local school systems and in 19 nonpublic schools serving students with disabilities. There are over 500 PBIS schools in Maryland.
- Funding and monitoring the impact of Part B IDEA discretionary grants targeted to reducing the suspension of students with disabilities.

- Providing materials developed by the National Center for Culturally Responsive Education Systems (NCCRESt) and the National Institute for Urban School Improvement to 24 local school systems to assist them in their review and revision of policies, procedures, and practices.
- Providing a comprehensive document entitled “*Maryland Special Education Disproportionality Report 2006-2007*” to all local school systems that included disaggregated suspension/expulsion data for its local school system.
- Providing technical assistance to local school systems regarding disaggregation of data, data-analysis at the classroom, school, and system level, monitoring suspension data, and decision-making and improvement planning.
- Providing Technical assistance workshops at the Division’s Annual Leadership Conference October 11-12, 2007 to provide local school systems the opportunity to share information and discuss strategies that have effectively addressed suspension.

All activities above will continue in response to the positive result of an overall decrease in the number and percentage of students with disabilities suspended for more than 10 days in local school systems.

As part of the State local application for federal Part B funds, each local school system completes a Self-Assessment of Public Agency Performance on IDEA, Part B Indicators. The Self Assessments are reviewed by monitoring specialists in the Division’s Office of Monitoring for Continuous Improvement and Results, under the supervision of the State Assistant Superintendent of Special Education/Early Intervention Services, and considered in the grant approval process. If a local school system, based on a review of its data, policies, procedures, and practices, demonstrates a significant discrepancy, the local school system is required to develop and implement actions to reduce discrepancies in the suspension and expulsion of students with disabilities.

Of the local school systems identified as significantly discrepant for suspension of students with disabilities, one school system has not yet demonstrated a reduction in suspension of students with disabilities compared to nondisabled students. MSDE increased its oversight for monitoring and technical assistance to assist that local school system in reducing its discrepancies and ensure that student specific or systemic noncompliance with regards to the discipline of students with disabilities is corrected as soon as possible, but in no case later than one year. The increased oversight includes:

- Direct involvement with the local school system in the development and verification of corrective actions;
- Increased collection, analysis and submission of suspension data to MSDE on a monthly basis;
- Intensive technical assistance to the local school system including the review of local policies, procedures and practices for compliance with the IDEA and COMAR regulations for disciplinary removal of students with disabilities;
- Correction of student specific and systemic noncompliance, as appropriate;
- Monthly meetings with local school system personnel directly involved in the implementation of corrective action strategies and activities to monitor progress toward correction of noncompliance;
- Assignment of a program monitoring consultant onsite to provide direct supervision and guidance for the areas of identified noncompliance;
- Increased frequency of MSDE onsite monitoring of educational records for students with disabilities who have been suspended for greater than 10 days;

Correction of FFY 2007 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	3
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	3
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2007 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected: NA

Verification of Correction (either timely or subsequent):

The Office of Monitoring for Continuous Improvement and Results provided ongoing technical assistance to the three local school systems in which noncompliance with Part B requirements were identified. The local school systems revised policies and procedures to align with Part B requirements. Correction was verified by reviewing the revised policies and procedures and through conducting a random review of records of students with disabilities suspended for greater than ten school days.

Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable): N/A

1. Number of remaining FFY 2006 findings noted in OSEP’s June 1, 2009 FFY 2007 APR response table for this indicator	1
2. Number of remaining FFY 2006 findings the State has verified as corrected	1
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable):
N/A

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State’s Response
<p>As noted in the revised Part B Indicator Measurement Table, in reporting on this indicator in the FFY 2008 APR, due February 1, 2010, the State must again describe the results of the State’s examination of data from FFY 2007 (2007-2008).</p>	<p>A description of the results of the State’s examination of data from FFY 2007 (2007-2008) is located on page 38 within this APR submission, as required.</p>
<p>The State must again describe the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of the IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for LEAs identified with significant discrepancies in FFY 2007, as required by 34 CFR §300.170(b).</p>	<p>A description of the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation of the IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for LEAs identified with significant discrepancies in FFY 2007, as required by 34 CFR §300.170(b).is located on pages 38 – 39 within this APR submission as required.</p>

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2008 (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-2.

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

- A. Inside the regular class 80% or more of the day;
- B. Inside the regular class less than 40% of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

- A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.
- C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
FFY 2008 (2008 – 2009)	5A 61.11% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day; 5B 16.11% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day; and 5C 6.92% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.

Actual Target Data for FFY 2008: 5A: 63.99% Exceeds Target; 5B: 15.10% Exceeds Target; and 5C: 7.59% Target Not Met. See table below.

The least restrictive environment (LRE) data for this APR is based on Maryland's 618 annual child count collected the last Friday in October 2008 and reported in the *2008 Maryland Special Education/ Early Intervention Services Census Data and Related Tables* document. The document is posted on the MSDE website under the Division of Accountability and Assessment, Staff and Student Publications. The data in this report is published and is considered to be reliable and valid for the purpose of reviewing LRE in Maryland. The data has been reviewed with the Special Education State Advisory Committee (SESAC) for input.

The FFY 2007 response table to MSDE stated that OSEP appreciates the State's efforts to improve LRE performance. No specific suggestions for future reporting were made. This report will continue to document progress and/or slippage on LRE data as compared to the State's targets and on the MSDE's improvement activities.

MSDE reports to the public on LRE indicator progress and/or slippage in meeting State targets for each local school system on the first page of the MSDE website: <http://www.marylandpublicschools.org> and <http://mdideareport.org>. The data is displayed beginning with FFY 2004.

Total Number of Students with Disabilities, Aged 6 - 21	Indicator	October 31, 2008			State Target Status
		State Population 91,243			
		Number	State Target	2008 Actual	
Inside Regular Education 80% or More of the Day	5A	58,388	61.11%	63.99%	Met
Inside Regular Education < 40% of the Day	5B	13,780	16.11%	15.10%	Met
Total Separate Facilities	5C	6,927	6.92%	7.59%	Not Met

The FFY 2008 LRE 5A and 5B results exceeded the State’s targets. The FFY 2008 LRE 5C State target was not met.

The data in the table above represent aggregate data of all students with disabilities in settings represented by 5A, 5B, and 5C in the State. The October 2008 child count reported 91,243 students with disabilities aged 6 – 21, of these 79,095, or 86.68% of students are coded as LRE 5A, 5B and 5C.

Correction of Related Requirements Noncompliance

Findings of noncompliance for Indicator 5 related requirements were identified through dispute resolution in FFY 07. The three findings related to placement determination of school age students. Please refer to the Indicator 15 Worksheet. The State addressed this issue by providing technical assistance including documentation options in the Statewide Online IEP. All violations referenced above for Indicators 5 were corrected within the required one year timeline. The State requires each LEA with a finding of noncompliance identified through dispute resolution to identify and implement actions that result in systemic correction and correction for all similarly situated students, if appropriate, consistent with OSEP Memorandum 09-02.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

The State attributes incremental progress overall to an increased emphasis on access to the general education curriculum and the increased availability of co-taught classes. Maryland’s *State Improvement Grant* is aligned with the LRE effort and is focused on building a *Co-Teaching Network* to provide high quality tools for the effective implementation co-teaching practices. Other initiatives to support students in less restrictive environments include: staff development to increase the use and effectiveness of Functional Behavioral Assessments and Behavior Intervention Plans; implementation of effective school-wide disciplinary practices through *Positive Behavioral Intervention and Supports*; and, promoting incentive grants for the implementation of programs and strategies designed for a targeted population of students with disabilities in less restrictive environments.

One of those grants includes MSDE’s collaboration with the Maryland Association of Nonpublic Special Education Facilities (MANSEF) through the MANSEF Consortium grant. This grant has been instrumental in assisting MSDE to reducing restrictive placements. The grant provides options to local school systems to provide wrap around services for those students who need intensive services without removing the student to a more restrictive setting in a nonpublic school. The MANSEF Consortium grant has enabled six local school systems to provide more intensive one to one assistance, instruction, tutoring, and social skills training groups. Completion of improvement activities such as the participation

in the review of local district Master Plans, public reporting of data and implementation of the Statewide IEP have all contributed to the progress.

Trend Data

Indicator 5A Trend Data							
5A	2004	2005	2006	2007	2008	2009	2010
State Target		57.75%	60.11%	60.61%	61.11%	61.61%	62.11%
State Results	57.25%	59.90%	61.64%	62.35%	63.99%		

Three local school systems did not meet the State’s target and are the same three as reported in the 2007 APR. Of the three, two represent school systems of more than 10,000 students with disabilities.

Indicator 5B Trend Data							
	2004	2005	2006	2007	2008	2009	2010
State Target		17.47%	16.61%	16.36%	16.11%	15.86%	15.61%
State Results	17.72%	16.86%	16.21%	15.82%	15.10%		

Three local school systems did not meet the State’s target. Two represent some of the largest the school systems in Maryland and are the same two that did not meet the 5A target. The third is new to the category and has targeted efforts to ensure coding issues did not impact the data and schools are properly implementing the use of supplementary aids and services.

Indicator 5C Trend Data							
	2004	2005	2006	2007	2008	2009	2010
State Target		7.67%	7.42%	7.17%	6.92%	6.67%	6.42%
State Results	7.92%	7.89%	7.90%	7.80%	7.59%		

Three of the largest school systems are included in the five local school systems did not meet the target for this indicator.

Monitoring For Compliance

The State’s monitoring system has integrated the review of policies, procedures and monitoring for the proper implementation of IEP team decision-making. No findings directly linked to the measurement for Indicator 5 were identified. There were, however, 15 findings of noncompliance identified in FFY 2007 with related requirements identified in seven local school systems. All but one was corrected in a timely manner. The one school system under a consent decree was unable to demonstrate compliance with all findings, although progress monitoring showed significant progress. There is a high expectation that the CAP for this system will be closed.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2009

Improvement Activities	Timelines	Resources	Justification
Include LRE data for students ages 6-21 in local school system report cards.	January 2006- June 2006 and ongoing REVISED	IT Staff	This occurs annually and data is displayed on the State’s public website.
Explore the impact of the State funding mechanism for students for whom nonpublic placement is sought. DELETE/COMPLETE	November 2005- June 2006	Data/Finance	No discernable changes occurred as legislative initiatives changed the funding formula.

APR Template – Part B (4)

Improvement Activities	Timelines	Resources	Justification
Explore arrangements made with public and private institutions to implement LRE placement options for students with disabilities such as memorandums of agreements or special implementation procedures for those arrangements. NEW	July 1, 2009 and ongoing	LSS staff PA staff Other agencies	Although this is occurring throughout the State, the MSDE will continue to promote agreements. Include in revised FFY 2009 table.
Review and revise, as appropriate, the Statewide IEP to ensure all requirements related to LRE determination are included and include special provisions for preschool students. DELETE/COMPLETE	January 2006 - June 2007	DSE/EIS staff JHU-CTE	This activity was completed.
Utilize the implementation of the Statewide IEP to review application of IEP decision making requirements to determine the LRE. DELETE/COMPLETE	January 2006 – June 2007	DSE/EIS staff JHU-CTE	The statewide IEP includes an LRE “Wizard” to assist local school systems and public agencies.
Explore the use of a data mining program to disaggregate LRE data for preschool for use in improvement planning. DELETE	October 2005 – June 2006	Data Mining Program JHU-CTE	Inappropriate placement of activity due to age range.
Continue the directed use of grant funds toward LRE initiatives.	March 2006-September 2007and ongoing REVISED	DSE/EIS staff	This activity is decided on annually and is a standard part of the local application for federal funds.
Program Development			
Explore arrangements made with public and private institutions to implement LRE placement options for students with disabilities such as memorandums of agreements or special implementation procedures for those arrangements. NEW	July 1, 2009 and ongoing	MSDE and local school system staff	Promotes FAPE in the LRE to reduce the number of students served in Indicator 5C settings.
Pursue websites, published documents, and other materials for promising research-based articles, information and practices that are related to LRE for dissemination to LSS/PA personnel. NEW	July 1, 2009 and ongoing	DSE/EIS Program Staff	Promotes research-based instructional practices for LRE Indicator 5.
Continue to offer grant opportunities to support students in less restrictive settings, particularly those have a positive impact on 5C data. NEW	March 2009	DSE/EIS Grant and Program staff	Incentive grants to utilize research-based instructional practices to serve students in the LRE.
Improve Collaboration/Coordination			

APR Template – Part B (4)

MARYLAND
State

Improvement Activities	Timelines	Resources	Justification
Continue to provide staff development on the collaborative development, implementation, monitoring and evaluation framework for Co-Teaching. NEW	Ongoing	DSE/EIS staff	The Co-Teaching framework promotes inclusive instructional practices for Indicator 5.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-2.

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

Measurement:
Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	<p>30% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>35% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p>

Actual Target Data for FFY 2008:

Target	Actual Number	Actual Percentage	Target Status
School Age – 30%	9,015	57%	Exceeded Target
Preschool – 35%	1,581	69%	Exceeded Target

MSDE conducted a census survey of a total of 108,651 parents of children and youth receiving special education services. Of the total number of surveys (108,651), 95,713 were sent to parents of school-aged (6 through 21 years of age) children and youth receiving special education services and 12, 938 parents of preschool (3 through 5 years of age) children receiving special education services. Results are based on the surveys returned by 9,015 parents of school-aged children (9%) and 1,581 parents of preschool children (12%). Overall 10,596 of 108,651 (9.75%) of all surveys were returned. Overall, there is a 10 percent response rate and this is comprised of a response rate of 12 percent for parents of preschoolers and 9 percent for the parents of school-age children.

MSDE provided the vendor with a list of all schools within each county by preschool (n=872) and school-age (n=1,424) populations. MSDE also provided the vendor the number of nonpublic school in which local school systems have placed students with disabilities, in order to receive a FAPE. In addition, four special schools were included in the FFY 2008 parent survey: The SEED School of Maryland, a public residential school for at-risk students; Maryland School for the Blind and the two campuses of the Maryland School for the Deaf (Columbia and Frederick). School lists were generated for each local school system and special school. The lists gave county code, school name and number and type of survey that should be sent to each school from the county.

In addition, each survey shipment included a letter of explanation that detailed the purpose of the survey and provided contact information for the MSDE project officers and a member of the vendor staff. Each survey packet contained one survey, an introductory letter to parents, a Frequently Asked Questions (FAQ) Flyer about the survey, and a business reply envelope to return the completed survey directly to the vendor.

Survey materials were also prepared in Spanish. In addition to those requested by local school systems, the vendor received 12 requests from parents for the Spanish instruments. The survey packets were sent immediately after the request was made. Overall, 242 Spanish school-age surveys and 32 Spanish preschool age surveys were received.

The survey materials for six of the 24 counties were sent by the vendor via UPS on April 17, 2009. The remaining 18 counties and 4 special schools were sent via UPS on April 20, 2009. Calls were made to each county office to make certain that the survey packages had been received and to field any initial questions. Surveys were returned directly to the vendor via business reply mail and began to arrive on April 24, 2009. As each survey was received, it was processed, counted and prepared for scanning.

The instruments used were “rating scales.” Rating scales are scientifically designed so that when the responses to individual items are appropriately analyzed, the result is a single quantity that can be interpreted as an amount of the “thing” being measured. The questions used on the rating scales were from those recommended by the National Center for Special Education Accountability Monitoring (NCSEAM). Separate rating scales were used for the parents of preschool-aged children and school-aged children. The rating scale for parents of preschool children was revised last year in accordance with recommendations from NCSEAM. Each rating scale had 25 core questions. The rating scale for parents of preschool-aged children also included six demographic questions. The rating scale for parents of school-aged children and youth had seven demographic questions.

Upon the recommendation from NCSEAM, the data was calculated using a Rasch measurement framework. Measurements on the Part B rating scales are minimum measures that meet the standard for school facilitation of parent involvement. Applying this standard, the percent reported is the percent of parents whose responses are at or above 600.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

Responses from Parents of Preschool-Aged Children Receiving Special Education

Overall **1,091 of 1,581 (69%)** of parents of preschool-aged children reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. This is a one percentage point increase over FFY 2007 (68%). Responses ranged from 71% to 66%.

With one exception, all the responding parents lived in Maryland. The number of responses provides enough forms for reliable statewide estimates. Distributions for the other demographics are shown in Figures 1 to 4.

These reveal the following:

- Sixty-one percent of the respondents were parents of preschoolers, 5 or 6 years of age (Figure 1).
- Just over half the respondent’s children (54 percent) were referred for services before the age of 3 (Figure 2).
- Over half (59 percent) of the respondents were White, about one-fifth (22 percent) were Black or African American, and 8% identified themselves as multiracial (Figure 3).
- The three most frequently cited disabilities (speech or language impairment, developmental delay, and multiple disabilities) account for 80 percent of the disabilities cited (Figure 4).

Figure 1: Distribution by Age of Preschoolers

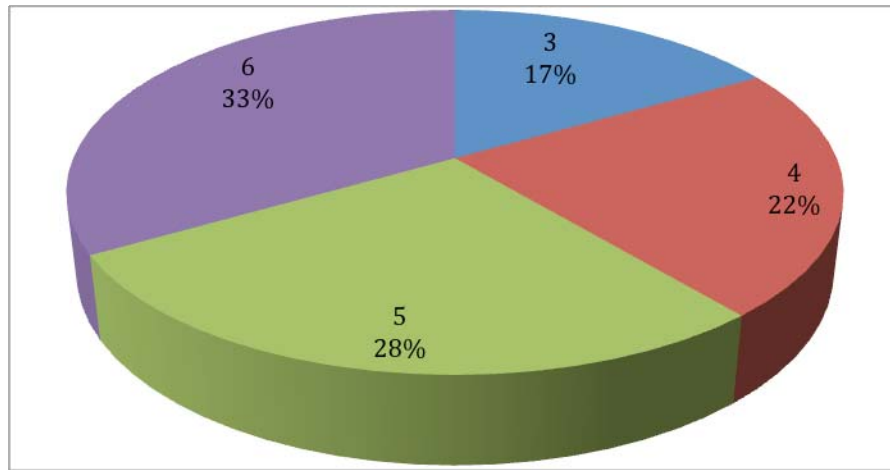


Figure 1: Distribution by Age of Preschooler When Referred to Early Intervention or Special Education

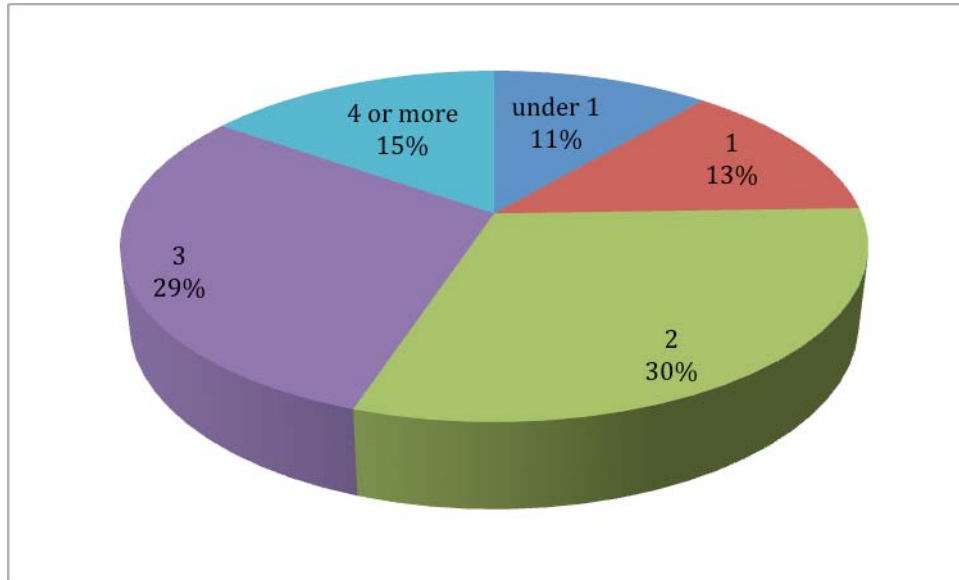


Figure 2: Distribution of Respondents by Race of Child

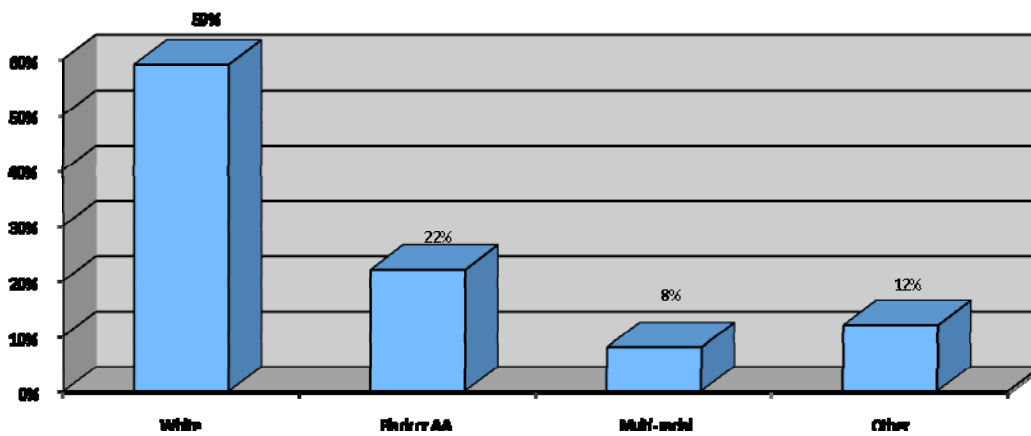
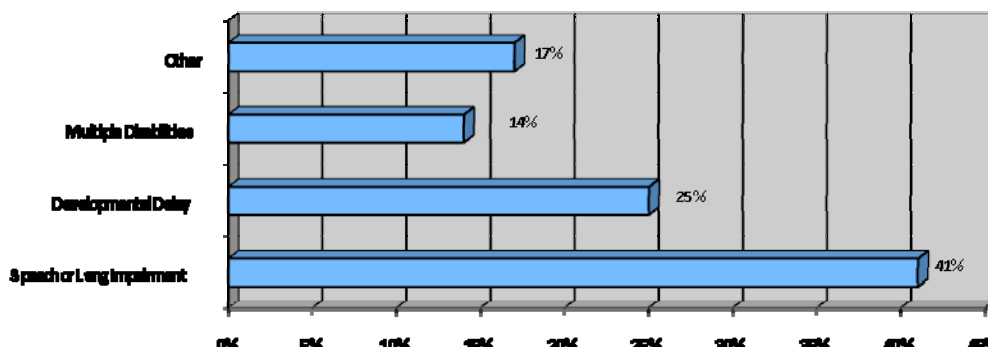


Figure 3: Distribution of Preschoolers by Disability Cited



In FFY 2008, 61% of the respondents, by age of the child, were parents of children 5 and 6 years of age, as compared to FFY 2007, when 79.2% of the respondents by age of the child were 3 and 4 years of age. The percentage of respondents who are Black or African American increased over the previous year (22% versus 17%) and the percentage of respondents who are multiracial increased slightly (8% versus 7.2%) along with all other races (12% versus 10.2%). The percentage of White respondents decreased from 65.5% to 59%. A comparison of FFY 2007 and FFY 2008 distribution of respondents showed some interesting differences and similarities. In FFY 2008 and FFY 2007 the largest percentage of respondents were parents of children identified with a speech- or language-impairment (41% versus 47.3%). Also the parents of children with a developmental delay were similarly represented (25% versus 22.9%). In FFY 2008 a larger percentage of parents of children with multiple disabilities (14%) responded and replaced parents of children with autism from FFY 2007 as the third highest distribution of respondents by disability.

Responses from Parents of School-Aged Children Receiving Special Education

Overall 5,229 of 9,015 (57%) of parents of school-aged children reported that schools facilitated parent involvement as means of improving services and results for children with disabilities. This is one (1) percentage points higher than reported in FFY 2007 (56%). Responses range from 55% to 57%. Nearly all respondents were from Maryland; with the exceptions amounting to about 1 tenth of one percent (12 respondents lived in Delaware and 1 each in the following areas: Washington, DC, Virginia, and Pennsylvania).

Figures 5-8 display the demographics for these school-age children of parents responding to the survey. Figure 5 displays the distribution of the children by age during that school year. Just under half (45 percent) of these are 10 or younger. The majority (60 percent) was referred to Early Intervention or Special Education before the age of 6 (Figure 6). Over half (57 percent) are White and one-quarter (25 percent) are Black or African American (Figure 7). The four most frequently cited disabilities account for 70 percent of the /disabilities cited (Figure 8).

Figure 4: Distribution by Age of School-Age Children

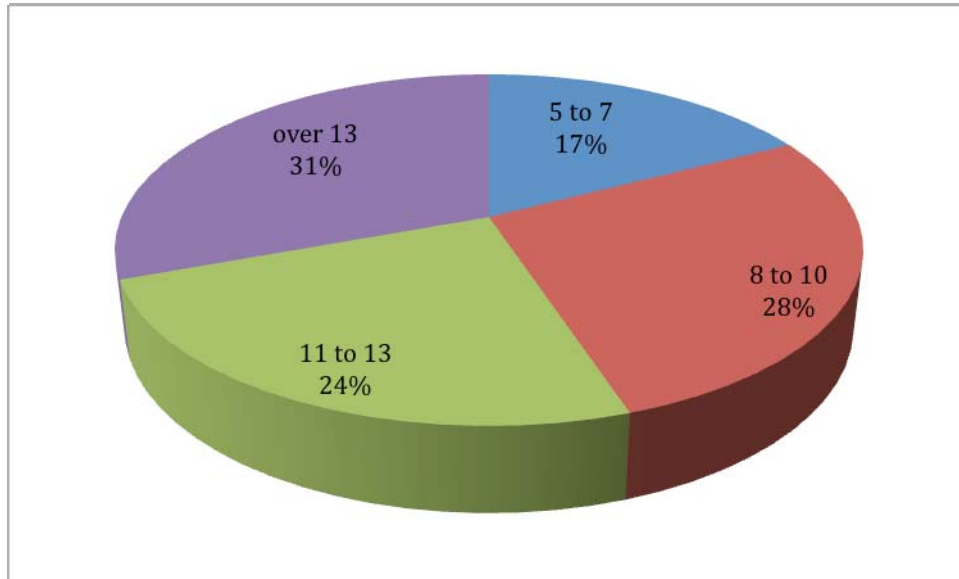


Figure 5: Distribution by Age of School-Age Children When Referred to Early Intervention or Special Education

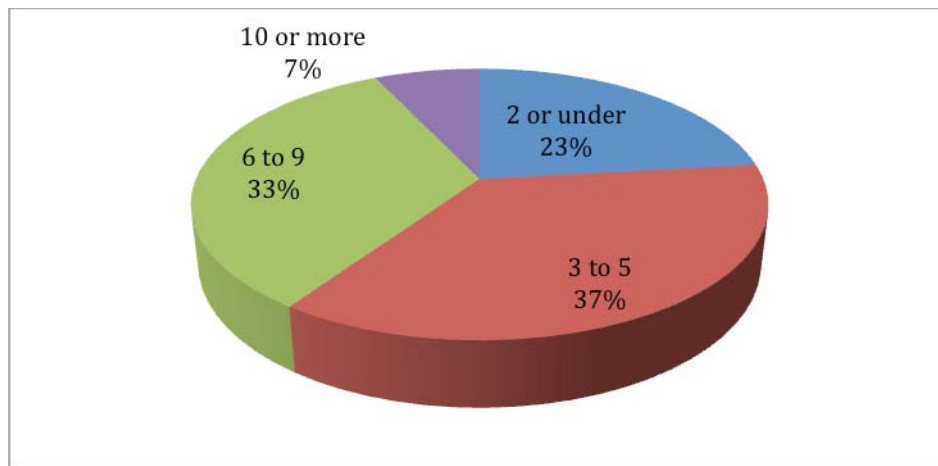


Figure 6: Distribution of Respondents by Race of Child

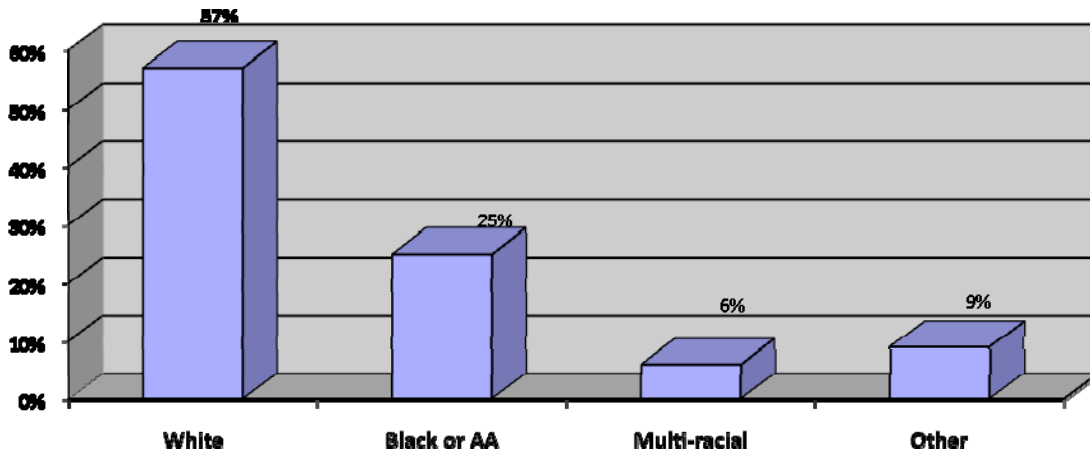


Figure 7: Distribution of School-age Children by Disability Cited

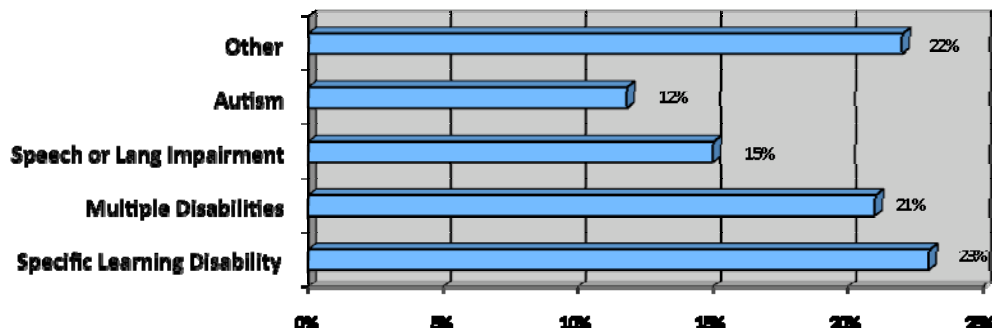
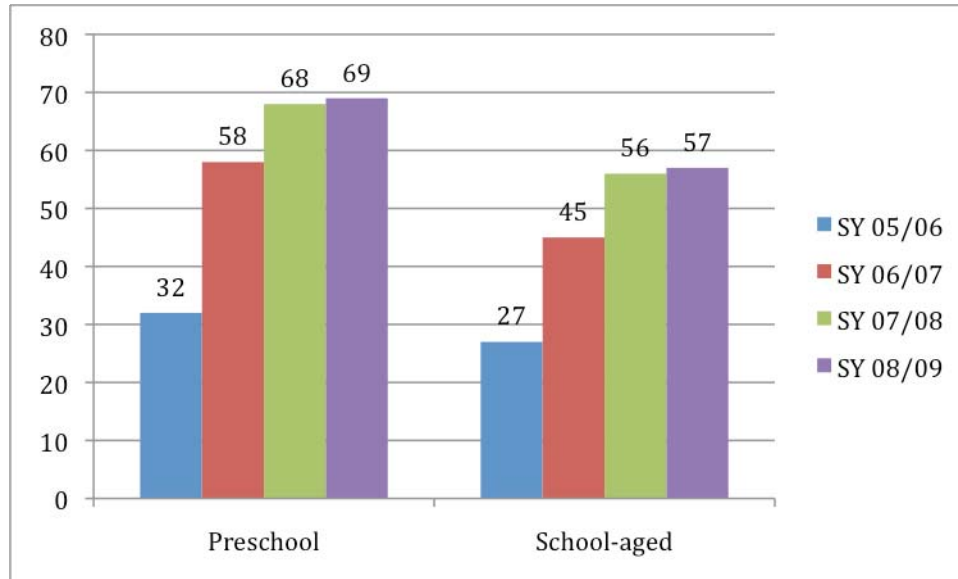


Figure 9 presents data comparing the values of Indicator #8 for the school years 2005/06, 2006/07, 2007/08, and 2008/09. Each year shows an increase from the previous school year, although the change from the most recent school year was minimal, if any. Previously, it was difficult to determine whether the change represented a real difference or was related to measurement. The steady rise in the Indicator places greater weight on the difference being real.

Figure 8: Estimates for OSEP Indicator #8, School Year 2005/2006, 2006/2007, 2007/2008, and 2008/2009 Preschool and School-Age Children



Improvement Activities

MSDE completed all activities with the exception of those marked annually or ongoing.

Overall, the number and percentage of students with disabilities, ages three through 21 years of age receiving special education, by race and ethnicity reported in the October 31, 2008 child count identified their race and ethnicity as 46,983 (45.4%) White, 44,580 (43.1%) Black/African American, and 8,505 (8.2%) Hispanic. Respondents to the two surveys represented a total of 10,596 respondents. A total of 6,071(57.2%) were identified as White, 2,601 (25%) as Black/African American, 668 (6.3%) as Multiracial, and 911(9%) as Other. There was an increase in the number of Black/African American respondents to the survey over FFY 2007 response rates (25% in FFY 2008 vs. 18% in FFY 2007). **The respondents were representative of the population.**

The Special Education State Advisory Committee (SESAC) will continue to collaborate with local Special Education Citizens’ Advisory Committees (SECACs) to identify ways to improve the response rate of Black/African-Americans and to review policies, procedures and practices that address parental involvement. The Division and the SESAC will also continue to meet with the vendor to review the results from the rating scale to examine ways to continue to increase the response rate and to consider adjustments. Initial vendor recommendations for improving response rates were implemented for FFY 2007.

Correction of Related Requirements Noncompliance

Findings of noncompliance for Indicator 8 related requirements were identified through dispute resolution in FFY 2007. The violations include parent involvement and the content of prior written notice that includes proper documentation of the basis for the IEP team decision. The State addressed this issue by providing technical assistance including documentation options in the Statewide Online IEP. All violations referenced above for Indicators 8 were corrected within the required one year timeline. The State requires each LEA with a finding of noncompliance identified through dispute resolution to identify and

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implement actions that result in systemic correction and correction for all similarly situated students, if appropriate, consistent with OSEP Memorandum 09-02.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2009: N/A

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-2.

<p>Monitoring Priority: Disproportionate Representation</p>
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Indicator 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

<p>Measurement:</p>

<p>Percent = [(# of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.</p>

<p>Include State's definition of "disproportionate representation."</p>

<p>Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and underrepresentation) of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008 reporting period, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.</p>

In analyzing data for this indicator: The State used its 618 data, collected the last Friday in October, 2008, from each of the 24 local school systems, and reported in the 2008 *Maryland Special Education/Early Intervention Services Census Data and Related Tables*.

Definition of "Disproportionate Representation" and Methodology

Disproportionate representation is defined as having students in a particular racial/ethnic group (i.e., American Indian, Asian, African American (not Hispanic), Hispanic or White (not Hispanic), being at a considerably greater or lesser risk of being identified as eligible for special education and related services than all other racial/ethnic groups enrolled either in the local school system (LSS) or in the State.

Maryland identifies disproportionate representation using a weighted risk ratio calculated according to the instructions provided in the IDEA publication, "Methods For Assessing Racial/Ethnic Disproportionate Representation In Special Education: A Technical Assistance Guide."

<http://www.ideadata.org/docs/Disproportionality%20Technical%20Assistance%20Guide.pdf>

Over-representation: The Maryland State Department of Education (MSDE) identifies local school systems with a weighted risk ratio of 2.0 or above, in a particular racial/ethnic group, as disproportionate.

Under-representation: The MSDE identifies local school systems with a weighted risk ratio of 0.5 or below, in a particular racial/ethnic group, as disproportionate.

Identification of Disproportionate Representation: In addition to meeting the weighted risk ratio of 2.0 or above for over-representation, and 0.5 or below for under-representation, the local school systems must meet the criteria for the minimum “n” size which is determined using the rubric method based on the local school system’s total enrollment. The “n” sizes are as follows:

- Total enrollment less than 8,999 = “n” size 15
- Total enrollment 9,000 to 34,999 = “n” size 20
- Total enrollment 35,000 to 79,999 = “n” size 25, and,
- Total enrollment more than 80,000 = “n” size 30

Using the criteria established above, the State determined that 2 local school systems were identified as meeting the data threshold for disproportionate over-representation and no school district was identified as meeting the data threshold for disproportionate under-representation.

In previous reporting periods, an “n” size of 20 has been used for all local school systems regardless of enrollment size. Maryland has a wide range in the numbers of total students enrolled in each local school system (2,279-138,147) and a similarly wide range of students with disabilities (343-16,485). Because of this wide range of enrollment across school systems, MSDE utilized a rubric method which considers enrollment size to assist in assigning “n” sizes. A change in “n” size from 20 for all local school systems to a range of 15 to 30 based on the enrollment in the local school system was agreed upon.

In addition, the weighted risk ratio was changed from 1.5 to 2.0. Systems with a weighted risk ratio of 1.5-1.9 will be considered “at risk” for disproportionate representation and will be required to review their policies, procedures and practices to ensure that appropriate identification procedures are in place

Determining if Disproportionate Representation is the Result of Inappropriate Identification

Through the analysis of the 618 data and in conjunction with the above criteria, local school systems are identified as disproportionate. MSDE then determines if the local school systems’ disproportionate representation is the result of inappropriate identification through:

- The FFY 2007 *Self-Assessment of Public Agency Performance on IDEA, Part B Indicators (Self-Assessment)* Indicator 9 performance submitted annually by local school systems;
- Analysis of the results of desk audits and on-site monitoring;
- Due process complaints;
- Written State complaints; and,
- A review of policies and procedures;

Based on this analysis, 0% of the two local school systems identified with a disproportionate representation of racial and ethnic groups in special education demonstrated that the disproportionate representation was the result of inappropriate identification.

Actual Target Data for FFY 2008

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.

0% of local school systems are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.

Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification

Year	Total Number of Districts	Number of LSSs with Disproportionate Representation	Number of LSSs with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of LSSs
FFY 2008 (2008-2009)	24	2	0	0%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage That Occurred for FFY 2008

Since FFY 2004, Maryland has maintained its target of zero percent of school systems having disproportionate representation of racial/ethnic groups in special education that is the result of inappropriate identification.

Local school systems were provided a comprehensive document entitled, *Maryland Special Education Disproportionate Representation Report 2007-2008* that included disaggregated identification data by race and disability. Each local school system was expected to use the analysis of its data in its completion of the *Self-Assessment* and in planning for improvement and/or correction. Additionally, each local school system reporting disproportionate representation based on data was required to review its policies, procedures and practices and submit a copy to MSDE.

Although inappropriate identification was not the basis for significant disproportionate representation of racial/ethnic groups in special education, discretionary funds were made available to school systems to address disproportionate representation. Proposals were submitted to MSDE and funding was awarded to 10 local school systems. MSDE conducted site visits to these 10 local school systems to monitor and verify the implementation of the targeted activities to prevent and/or reduce disproportionate representation. Grant funded activities included the following:

- Use of strategic and targeted interventions by local school systems such as the Instructional Consultation Model and Fast Forward; and
- Expansion of the number of schools using Positive Behavior Supports (PBS).

A document entitled *State Performance Plan Indicators 9 and 10: a Review of Disproportionate Representation of Racial Groups in Special Education* was developed by MSDE. The purpose of the

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document is to assist local school systems to conduct an in-depth review of their policies and procedures and ensure the following:

- Tiered academic and behavioral instructional approaches are implemented for students not demonstrating grade level content mastery;
- Referral, evaluation and identification procedures are appropriate;
- Data collection, review and analysis are in place;
- Parental involvement is encouraged; and
- Adequate staff awareness and training are provided.

The completion of this document will be required for all local school systems with disproportionate representation in any disability category.

Correction of FFY 2007 Findings of Noncompliance (if State did not report 0%)

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 100%

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	0
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	N/A
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	N/A

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (Corrected More Than One Year From Identification of the Noncompliance):

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	N/A
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	N/A
6. Number of FFY 2007 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected: N/A

Verification of Correction (either timely or subsequent): N/A

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Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable): N/A

1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	N/A
2. Number of remaining FFY 2006 findings the State has verified as corrected	N/A
3. Number of remaining FFY 2006 findings the State has not verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable): N/A

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): N/A

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2008**Overview of the Annual Performance Report Development**

Please refer to the Overview, pages 1-2.

Monitoring Priority: Disproportionate Representation

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100.

Include State's definition of "disproportionate representation."

Based on its review of the 618 data for FFY 2008, describe how the State made its annual determination that the disproportionate representation it identified (consider both over and under representation) of racial and ethnic groups in specific disability categories was the result of inappropriate identification as required by §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures, etc. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum 'n' size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in specific disability categories is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2008, i.e., after June 30, 2009. If inappropriate identification is identified, report on corrective actions taken.

In analyzing data for this indicator, the State used its 618 data, collected the last Friday in October, 2008, from each of the 24 local school systems, and reported in the 2008 *Maryland Special Education/Early Intervention Services Census Data And Related Tables*.

Definition of "Disproportionate Representation" and Methodology

Disproportionate representation is defined as having students in a particular racial/ethnic group (i.e., American Indian, Asian, African American (not Hispanic), Hispanic or White (not Hispanic), being at a considerably greater or lesser risk of being identified in a specific disability category (i.e., Mental Retardation, Specific Learning Disability, Emotional Disability, Speech or Language Impairments, Autism and Other Health Impairment), than all other racial/ethnic groups enrolled either in the local school system or in the State.

Maryland identifies disproportionate representation using a weighted risk ratio calculated according to the instructions provided in the IDEA publication, "Methods For Assessing Racial/Ethnic Disproportionate Representation In Special Education: A Technical Assistance Guide."

<http://www.ideadata.org/docs/Disproportionality%20Technical%20Assistance%20Guide.pdf>

Over-representation

The Maryland State Department of Education (MSDE) identifies local school systems with a weighted risk ratio of 2.0 or above for each racial/ethnic group, by disability, as disproportionate.

Under-representation

The MSDE identifies local school systems with a weighted risk ratio of 0.5 or below for each particular racial/ethnic group, by disability, as disproportionate.

Identification of Disproportionate Representation

In addition to meeting the weighted risk ratio of 2.0 or above for over-representation, and 0.5 or below for under-representation, the district must meet the criteria for the minimum “n” size which is determined using the rubric method based on the local school system’s total enrollment. The “n” sizes are as follows:

- Total enrollment less than 8,999 = “n” size 15
- Total enrollment 9,000 to 34,999 = “n” size 20
- Total enrollment 35,000 to 79,999 = “n” size 25, and
- Total enrollment more than 80,000 = “n” size 30

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Actual Target Data for FFY 2008: 0% Target Met

Districts with Disproportionate Representation of Racial and Ethnic Groups in Specific Disability categories that was the Result of Inappropriate Identification

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of LSSs with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification	Percent of Districts
FFY 2008	24	15	0	0%

Results Using Weighted Risk Ratio - Over-representation Data
(Data analysis only)

The following chart is based on Maryland’s 24 local school systems and represents the number of local school systems that are disproportionate in the over-representation of racial/ethnic groups, in specific disability categories, according to the weighted risk ratio:

	Mental Retardation	Specific Learning Disabilities	Emotional Disturbance	Speech or Language Impairments	Autism	Other Health Impairments
<i>African American</i>						
# of LSS	6	5	3	1	0	2
% of LSS	25%	21%	12.5	4%	0%	8%
<i>Hispanic</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>White</i>						
# of LSS	0	0	0	1	0	1
% of LSS	0%	0%	0%	4%	0%	4%
<i>Asian</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>American Indian</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%

Results Using Weighted Risk Ratio - Under-representation Data
(Data analysis only)

The following chart is based on Maryland’s 24 local school systems and represents the number of local school systems that are disproportionate in the under-representation of racial/ethnic groups, in specific disability categories, according to the weighted risk ratio:

	Mental Retardation	Specific Learning Disabilities	Emotional Disturbance	Speech or Language Impairments	Autism	Other Health Impairments
<i>African American</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Hispanic</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>White</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Asian</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>American Indian</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%

Using the criteria established above, the State determined that fifteen local school systems were identified as meeting the data threshold for disproportionate representation of racial and ethnic groups in specific disability categories. (Step One)

Determining if Disproportionate Representation is the Result of Inappropriate Identification

Through the analysis of the 618 data and in conjunction with the above criteria, local school systems are identified as disproportionate. MSDE then determines if the local school systems' disproportionate representation is the result of inappropriate identification through:

- The FFY 2007 *Self-Assessment of Public Agency Performance on IDEA, Part B Indicators (Self-Assessment)* Indicator 10 performance, submitted annually by local school systems;
- Analysis of the results of desk audits and on-site monitoring;
- Due process complaints;
- Written State complaints; and
- A review of policies and procedures. (Step Two)

Based on the this analysis, 0% of 24 local school systems were identified with a disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008

Since FFY 2004, Maryland has maintained its target of zero percent of school systems having disproportionate representation of racial/ethnic groups in specific disability categories that is the result of inappropriate identification. Each local school system was provided a comprehensive document entitled, *Maryland Special Education Disproportionate Representation Report 2008-2009* that included disaggregated identification data by race and disability. Local school systems were expected to use the analysis of its data in its completion of the *Self-Assessment* and in planning for improvement and/or correction. Each local school system reporting disproportionate representation based on data was required to review its policies, procedures and practices and submit a copy to MSDE.

Although inappropriate identification was not the basis for significant disproportionate representation of racial/ethnic groups in specific disability categories, discretionary funds were made available to school systems to address disproportionate representation. Proposals were submitted to MSDE and funding was awarded to 10 local school systems. MSDE conducted site visits to these 10 local school systems to monitor and verify the implementation of the activities targeted to prevent and/or reduce disproportionate representation. Grant funded activities included the following:

- Use of strategic and targeted interventions by local school systems such as the Instructional Consultation Model and Fast Forward; and
- Expansion of the number of schools using Positive Behavior Supports (PBS).

A document entitled *State Performance Plan Indicators 9 and 10: a Review of Disproportionate Representation of Racial Groups in Special Education* was developed by MSDE. The purpose of the document is to assist local school systems to conduct an in-depth review of their policies and procedures and ensure the following:

- Tiered academic and behavioral instructional approaches are implemented for students not demonstrating grade level content mastery;
- Referral, evaluation and identification procedures are appropriate;
- Data collection, review and analysis are in place;
- Parental involvement is encouraged; and

- Adequate staff awareness and training are provided.

The completion of this document will be required for all local school systems with disproportionate representation in any disability category.

In previous reporting periods, an “n” size of 20 has been used for all local school systems regardless of enrollment size. Maryland has a wide range in the numbers of total students enrolled in each local school system (2,279-138,147) and a similarly wide range of students with disabilities (343-16,485). Because of this wide range of enrollment across school systems, MSDE utilized a rubric method which considers enrollment size to assist in assigning “n” sizes. A change in “n” size from 20 for all local school systems to a range of 15 to 30 based on the enrollment in the local school system was agreed upon.

In addition, the weighted risk ratio was changed from 1.5 to 2.0. Systems with a weighted risk ratio of 1.5-1.9 will be considered “at risk” for disproportionate representation and will be required to review their policies, procedures and practices to ensure that appropriate identification procedures are in place.

Correction of FFY 2007 Findings of Noncompliance (if State reported more than 0% compliance): N/A

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 0%

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	0
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	N/A
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance): N/A

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	N/A
6. Number of FFY 2007 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected: N/A

Verification of Correction (either timely or subsequent): N/A

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Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable): N/A

1. Number of remaining FFY 2006 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	N/A
2. Number of remaining FFY 2006 findings the State has verified as corrected	N/A
3. Number of remaining FFY 2006 findings the State has not verified as corrected [(1) minus (2)]	N/A

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable): N/A

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): N/A

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2009 (if applicable): N/A

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: Effective General Supervision Part B / Child Find

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Measurement:
 a. # of children for whom parental consent to evaluate was received.
 b. # of children whose evaluations were completed within 60 days (or State-established timeline).
 Account for children included in a but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.
 Percent = [(b) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	100% of children were evaluated and eligibility determined within 60 days of parental consent to evaluate.

Actual Target Data for FFY 2008: 92% Target Not Met

Children Evaluated Within 60 Days (or State-established timeline)

a. Number of children for whom parental consent to evaluate was received (17,296 – 329 = 16,967)	16967
b. Number of children whose evaluations were completed within 60 days (or State-established timelines (15311 – 329 + 649 = 15631)	15631
c. Percent of children with parental consent to evaluate, who were evaluated within 60 or State established-timeline) (Percent = [(b) divided by (a)] times 100)	92%

Measurement: 15631 divided by 16967 X 100 = 92%

Federal and State timeline exceptions include **329 students** distributed as stated below:

- **215** students whose parent repeatedly failed or refused to make child available [§300.301(d)(1)]
- 14 students enrolled after the 60-calendar day timeframe has started and prior to determination by the previous public agency. Receiving LEA made sufficient progress to complete evaluation, and to a specific time to complete the evaluation (All conditions must be met.) parent and LEA agreed [300.301(d)(2) and (e)]; and
- 100 students were not able to be determined due to withdrawals, i.e., transfer, dropout; parent withdrew consent

Public agencies also reported a total of **649 students** as having "**acceptable reasons for delay**" beyond the 60 days from date of parental consent for evaluation. These two reasons for delay were added to numerator, the reasons included:

- 49 students evaluations were not completed with 60 days due to inclement weather, acceptable only if school is not in session due to weather emergency; and
- **600** students Parent & IEP team have a written agreement to extend timeline [COMAR 13A.05.01.04(a)] (578).

Public agencies reported a total of **1007 students** as having "**unacceptable reasons for delay,**" which included:

- 75 students inclement weather;
- **157** students paperwork error;
- 23 students inconclusive testing results;
- **20** students child not available (not parent failure)/child refusal;
- **186** staffing issue; and
- **546** other reason(s).

In order to more closely analyze the root causes for delay, the Division collects data on the number of days beyond 60 days for delays considered acceptable reasons for delay **978 (329 + 649)** and unacceptable reasons for delay (**1007**). A total of **1985 (978 + 1007)** students were not evaluated within 60 days of parental consent for evaluation, the range of days for all reasons clustered as follows:

- 996 (**50.17%**) - 1 day to 15 days
- **527 (26.60%)** - 16 to 45 days
- **462 (23.2%)** - beyond 45 days

This information is used by MSDE monitoring staff to assist public agencies in analyzing data and providing for technical assistance. The MSDE data management and program staff worked closely with local school system staff to ensure the integrity of the data reported in FFY 2008.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage That Occurred for FFY 2008

In FFY 2008, 92% of evaluations were completed within 60 days of parental consent to evaluate. Although the State’s target of 100% was not met, the data showed a gain of 4 percentage points from FFY 2007 (89%), and steady improvement from FFY 2005 (77%) to FFY 2008 (actual is 92%). MSDE’s progress narrowed the gap between the State target of 100% and actual data showing a 15% increase in compliance over 3 years.

The State’s progress is due to the technical assistance and monitoring and the determination of public agencies to oversee the ongoing implementation of the requirement by school staff. Public agencies with identified noncompliance have also taken advantage of discretionary grant funds to correct/ improve compliance with SPP indicators.

MSDE completed all improvement activities with the exception of those marked annually or ongoing. Justifications for changing the current improvement activities and proposed activities are located at the end of this document under the title: Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2009.

Correction of FFY 2007 Findings of Noncompliance (if State reported less than 100% compliance)

Level of compliance (actual target data) State reported for FFY 2007 for this indicator was 89.02%

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	21^e
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	17
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	4^f

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (Corrected More Than One Year From Identification of the Noncompliance)

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	4
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	4
6. Number of FFY 2007 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected

For the four of 19 local school systems that did not timely correct Indicator 11, FFY 2007 findings of noncompliance, MSDE notified the public agency of continuing noncompliance (year 2) and provided technical assistance **and oversight** of the public agency to review and revise the CAP to include the following:

- Identify root causes of failure to comply (includes general supervisory practices, policies and procedures, resources needed, implementation procedures and other issues, as appropriate)
- Identify strategies to address root causes.

^e Nineteen (19) from monitoring and two (2) from dispute resolution.

^f Four (4) from monitoring

- Provide staff training, specific to the noncompliance, so the noncompliance does not recur.
- Develop and implement a targeted self-monitoring plan for the ongoing monitoring of the proper implementation of requirements and collection of data.
- Submit documentation of correction activities, in an MSDE prescribed format.
- **Submit summary of data.**
- Participate in targeted technical assistance and scheduled meetings with MSDE staff a minimum of 3 times during the period of the plan (on-site or by phone conference).

Additional assistance was provided to the local school system under the consent decree. Please refer to Indicator 15, beginning on page 79 regarding additional assistance and sanctions.

Verification of Correction (either timely or subsequent)

For those Indicator 11 **systemic or student specific** findings for which the State reported correction, the State verified that the local school systems are correctly implementing the specific regulatory requirement(s); **has valid documentation of acceptable circumstances for delay**, and has completed the initial evaluation, although late, unless the student is no longer within the jurisdiction of the local school system **consistent with OSEP Memorandum 09-02. Since its submission of the SPP/APR, January 29, 2010, the State reviewed updated data (from February 2nd to April 12th) in its review of students records or other database to verify that that the remaining 4 local school systems are now correctly implementing the specific regulatory requirements relative to 34 CFR 301(c)(1) and has completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the local school system.**

- Monitoring staff reviews policies, procedures and practices to ensure the local school system’s guidance to staff is accurate and consistent with the regulatory requirement.
- Monitoring staff review **the State’s data** to determine those **individual** students who did not have an evaluation completed. During the period of the CAP, the local school system or public agency is required to submit evidence to the monitoring staff as soon as possible. If the local school system or public agency has sufficient documentation to demonstrate the evaluation was completed, the finding is reported as completed, although late, **and the individual student corrective action is closed.**
- MSDE completes a mid-year evaluation of Indicator 11 data and documentation of acceptable circumstances for delay to ensure the local school system or public agency is correctly implementing the indicator requirement and is “on-track” to report compliant data in next reporting year.

Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable)

1. Number of remaining FFY 2006 findings noted in OSEP’s June 1, 2009 FFY 2007 APR response table for this indicator	0
2. Number of remaining FFY 2006 findings the State has verified as corrected	0
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable)

There were no outstanding findings of noncompliance related to the measurement from FFY 2005.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable)

Statement from the Response Table	State's Response
The State reported that noncompliance identified in FFY 2006 with the timely initial evaluations requirements in 34 CFR §300.301(c)(1) was corrected in a timely manner.	This data is reported above in "Correction of Remaining FFY 2006 Findings of Noncompliance: within this APR submission as required.
The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in timely initial evaluations requirements in 34 CFR §300.301(c)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR.	This data and information is reported above in "Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected" within this APR submission as required.
The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02).	The local school systems with noncompliance reported by the State under this indicator in the FFY 2007 APR are correctly implementing the specific regulatory requirements. MSDE monitoring staff verified that local school systems completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the local school system, in accordance with OSEP Memorandum 09-02.
If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.	The State has reviewed and revised its improvement activities to ensure compliance.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for 2009

Improvement Activity	Timeline	Resources	Justification
Implement enhancements to SSIS system and MDSSIS.ORG to capture all data needed for Indicator 11 and eliminate the need to excel data collection sheets by 2011. REVISED	Ongoing		As of the October 2010 data collection, the SSIS data collection will capture all data needed for Indicator 11 and will include students evaluated but found not eligible.
Provide TA/training/Professional Development			
Assist local school systems to identify root causes of failure to correct noncompliance. NEW	July 2009, ongoing	DSE/EIS QAM Monitoring staff LSS Staff	Although local school systems policies, procedures, and practices are compliant and accurate, individual cases continue to reflect noncompliance.
Assist local school systems with 10,000+ students with	March 2008 and ongoing	DSE/EIS QAM Monitoring staff	Although local school systems policies,

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Improvement Activity	Timeline	Resources	Justification
disabilities, to identify strategies to effectively monitor implementation practices of staff. NEW		LSS Staff	procedures, and practices are compliant and accurate, individual cases continue to reflect noncompliance.
Improve Systems Administration and Monitoring			
Continue to apply correction of Indicator 11 to discretionary grant funds until all LEAs are compliant. NEW	March 2008, ongoing	DSE/EIS Program, QAM, and Grant Staff	Incentive discretionary grants for compliance and directed discretionary grant for noncompliance.
Improve Data Collection and Reporting			
Evaluate quarterly reporting of data as a measure of compliance. NEW	September 2009 and ongoing	DSE/EIS Data Staff JHU/CTE DSE/EIS Program Staff QAM Monitoring Staff	Early proactive data analysis to correct identified noncompliance as soon as possible.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination
- b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services
- e. # of children who were referred to Part C less than 90 days before their third birthdays

Account for children included in a, but not included in b, c, d or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Percent = [(c) divided by (a - b - d - e)] times 100

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	100% of children referred by Part C prior to age 3, and who are found eligible for Part B, will have an IEP developed and implemented by their third birthdays.

Actual Target Data for FFY 2008: 97.28% Target Not Met

Actual State Data (Numbers)

a. # of children who have been served in Part C and referred to Part B, for Part B eligibility determination	3,010
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	379
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	2,499
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services	62
e. # of children who were referred to Part C less than 90 days before their third birthdays	
# in a but not in b, c, d, or e	69
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays Percent = [(c) ÷ (a-b-d-e)] x 100	97.28%

Local school systems and public agencies reported a total of 32 out of 101 students, or 31.68%, whose eligibility determination or IEP development did not occur by the third birthday, as having "Acceptable Reasons for Delay." Acceptable Reasons for Delay include "Parent & IEP Team have a written agreement to extend the timeline"; and, "Parent repeatedly failed or refused to make child available." Unacceptable reasons for delay included: Inclement weather; Paperwork error; Inconclusive testing results; Child not available (not parent failure)/child refusal; Staffing issue; and Other reason(s).

The range of days beyond the third birthday for eligibility determination or development and implementation of the IEP for all reasons cluster around the following ranges:

- 1 day to 15 days – 50 or 49.5% (vs. 53.50% for FFY 07)
- 16 to 45 days – 40 or 3.37% (vs. 33.12% for FFY 07)
- Beyond 45 days – 12 or 1.1% (vs. 13.40% for FFY 07)

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008

- Joint monitoring activities continued to be implemented across the Division:
 - The Preschool 619 Monitoring and Technical Assistance Specialist participated in focused monitoring in local school systems for Indicator 12 with the Office of Monitoring for Continuous Improvement and Results. Focused monitoring included random record reviews, review of data and other documentation, and interviews and discussion with staff regarding progress to date as well as ongoing challenges
 - Monitoring of local infants and toddlers programs and local school systems by the Part C Quality Assurance staff and the Preschool 619 Monitoring and Technical Assistance Specialist for jurisdictions with concurrent compliance issues for early childhood transition. Part C and Part B staff continued to work together to provide coordinated technical assistance, as identified through monitoring activities.
- Division data management and 619 program staff continued to work closely with local school system Part B data managers and preschool special education coordinators to ensure the integrity of the data reported for FFY 2008. Use of the additional acceptable reason for not meeting the timeline of the third birthday, "Parent requested delay" as stated in State special education regulations (13A.05.01.04A(4)) was implemented for the full reporting period. Local school systems had first been advised of the addition of this acceptable reason in Spring 2008
- Regional meetings with local school system data and program staff were conducted with the purpose of reviewing local data collection and reporting requirements. MSDE staff provided technical assistance to individual data managers and preschool coordinators on an as needed basis, either on request or based on need following a review of local data.
- The Division will continue to work with local school systems and local Infants and Toddlers Programs through focused monitoring activities to ensure compliance with this indicator
- Statewide and local Early Childhood Transition data was reported publicly for all local school systems.

Explanation of Progress and Slippage

MSDE did not meet the target of 100% established by OSEP for this Indicator, but did show substantial improvement (97.28%) over the FFY 2007 compliance (95.42%).

Correction of Noncompliance Identified in FFY 2008

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of non-compliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of non-compliance from (a) for which correction was verified no later than one year from identification
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	7	7	7
	Dispute Resolution: Complaints, Hearings	0	0	0

In FFY 2007 MSDE identified seven findings of noncompliance that were corrected within timelines. Local School systems are correctly implementing the specific regulatory requirements, and have developed and implemented the IEP, although late, consistent with OSEP Memo 09-02. For FFY 2006, there was one finding of noncompliance for Indicator 12 that was also corrected within timelines. In FFY 2005, there was one finding of noncompliance identified through a State complaint investigation, that was corrected, but after the submission deadline for the FFY 2006 APR.

Support and technical assistance provided by Division staff to local school system staff will continue as part of ongoing improvement activities to maintain accurate reporting of local data, and to address issues that surface as the web-based IEP is implemented and data is electronically captured and submitted on a more real-time, as opposed to one-time annual, basis. Local school systems not meeting compliance are required to correct noncompliance within one year.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable)

Statement from the Response Table	State's Response
The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA, inclusive of the LEA with the remaining noncompliance: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.	MSDE has verified that each local school system is: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the local school system, consistent with OSEP Memo 09-02.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009: N/A

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13: Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

Actual Target data for Indicator 13 will be reported as part of the FFY 2009 SPP/APR in February 2011. At that time Maryland State Department of Education will report a new baseline and establish new target. MSDE is continuing to provide ongoing technical assistance utilizing the network of Transition Coordinators. The concentration for school year 2009 – 2010 has been on the use of the NSTTAC checklist for self monitoring and professional development.

Correction of FFY 2007 Findings of Noncompliance

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 95%

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008)	14
2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	13
3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1
4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	1
5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2007 findings <u>not</u> yet verified as corrected [(4) minus (5)]	1

The MSDE has focused efforts in the local school system that demonstrated continuing noncompliance. These include focused and regional technical assistance activities. The MSDE assigns specifically trained experienced Office of Monitoring for Continuous Improvement and Results consultants to provide

regularly scheduled onsite TA. One remaining finding in Indicator 13 (Secondary Transition), identified through monitoring for continuous improvement and results in one local school system demonstrated improvement since the previous verification visit conducted in December 2009. In December 2009, 457 records were reviewed. At that time 213 records were compliant and 244 were noncompliant. As a result of the continued noncompliance a new Director of Special Education has recently been appointed resulting in significant positive results in efforts to meet substantial compliance for Indicator 13. In April 2010, 207 records were reviewed for Indicator 13. Of the records reviewed 153 were compliant and 54 were noncompliant. The Office of Quality Assurance Monitoring staff and consultants are currently providing intensive on-site technical assistance and closely monitoring for correction of noncompliance and will do so until substantial compliance is met for Indicator 13.

Actions Taken if Noncompliance Not Corrected

For the one local school system that did not timely correct Indicator 13 FFY 2007 findings of noncompliance, MSDE notified the local school system of continued noncompliance (year 2) and provided additional technical assistance to review and revise the CAP to include the following:

- Identify root causes of failure to comply (includes general supervisory practices, policies and procedures, resources needed, implementation procedures and other issues, as appropriate).
- Identify strategies to address root causes.
- Provide staff training, specific to the noncompliance, so the noncompliance does not recur.
- Develop and implement a targeted self-monitoring plan for the ongoing monitoring of the proper implementation of requirements and collection of data.
- Submit documentation of correction activities, in an MSDE prescribed format.
- Submit summary of data a minimum of two times during the period of the plan.
- Participate in targeted technical assistance and scheduled meetings with MSDE staff.

Verification of Correction (either timely or subsequent)

For those Indicator 13 findings for which the State reported correction, the State verified that 13 of 14 local school systems in the State are correctly implementing the specific regulatory requirement(s); and, has developed an IEP that includes the required transition content for each individual case of noncompliance, unless the child is no longer within the jurisdiction of the local school system.

- Monitoring staff reviews policies, procedures and practices to ensure the local school system’s guidance to staff is accurate and consistent with the regulatory requirement.
- Monitoring staff review State’s data to determine those students with IEPs that were noncompliant with the regulatory requirements. During the period of the CAP, the local school system or public agency is required to submit prescribed evidence of correction to the monitoring staff as soon as possible. If the local school system or public agency has sufficient documentation to demonstrate the correction was made, the finding is reported as corrected.
- MSDE completes a mid-year evaluation of Indicator 13 data to ensure the local school system or public agency is correctly implementing the indicator requirement and is “on-track” to report compliant data in next reporting year.

Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable)

1. Number of remaining FFY 2006 findings noted in OSEP’s June 1, 2009 FFY 2007 APR response table for this indicator	1
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MARYLAND
State

2. Number of remaining FFY 2006 findings the State has verified as corrected	0
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	1

Uncorrected noncompliance from FFY 2006 is in the local school system that is under the consent decree and is an ongoing challenge. MSDE assigns specifically trained experienced Office of **Quality Assurance and Monitoring** consultants to provide regularly scheduled onsite TA for school systems that have demonstrated continuing noncompliance. The issues that impact correction are complex, involve the courts and have been impacted by system capacity regarding issues such data collection, school level accountability, availability of qualified staff, size of the school system and other issues that impact urban schools. Please refer to Indicator 15.

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable)

There were no findings in FFY 2005

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable)

Statement from the Response Table	State's Response
The State reported that noncompliance identified in FFY 2006 with the secondary transition requirements in 34 CFR §300.320(b) was partially corrected. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the remaining one uncorrected noncompliance finding was corrected.	Uncorrected noncompliance from FFY 2006 is in the local school system that is under the consent decree and is an ongoing challenge. MSDE assigns specifically trained experienced Office of Quality Assurance and Monitoring consultants to provide regularly scheduled onsite TA for school systems that have demonstrated continuing noncompliance.
Although the State is not required to report data for this indicator in the FFY 2008 APR, the State must report on the timely correction of the noncompliance reported by the State under this indicator in the FFY 2007 APR.	The State provided this information in this APR.
The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance identified in FFY 2007 and the LEA with the remaining noncompliance identified in FFY 2006: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each individual case of noncompliance, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.	Each local school system with noncompliance identified in FFY 2007 and the local school system with the remaining noncompliance identified in FFY 2006: are correctly implementing the specific regulatory requirements. Each local school system has developed an IEP that includes the required transition content for each individual case of noncompliance, unless the youth is no longer within the jurisdiction of the local school system, consistent with OSEP Memo 09-02.

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-2.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B) and 1442)

Measurement:
Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

States are required to use the “Indicator 15 Worksheet” to report data for this indicator (see Attachment A).

FFY	Measurable and Rigorous Target
FFY 2008 (2008-2009)	100% of corrective actions identified through monitoring, complaints, due process hearings, mediations, etc. will be corrected within one year from the date of identification.

Actual Target Data for FFY 2008: 97.19% Target Not Met.

Please refer to Attachment 4 “Indicator 15 Worksheet.

In FFY 2007 the State identified 214 findings of noncompliance. Of these, 208 were corrected within the required one-year timeline.

The MSDE has implemented a system of general supervision in order to identify, monitor and correct noncompliance, consistent with OSEP Memorandum 09-02, as soon as possible but in no case later than one year from identification. Data is collected through multiple activities that comprise MSDE’s comprehensive general supervisory system, including: Self-Assessment; desk audits; data review; on-site monitoring, technical assistance and verification visits; complaint investigations; and, due process hearings. The data collected is tracked and is used for tracking the correction of noncompliance for specific indicators and improvement planning at the State and local level.

Maryland’s Process for Selecting Local Education Agencies for Monitoring:

The Monitoring for Continuous Improvement and Results system in Maryland includes the annual Self-Assessment and MSDE verification, the MSDE focused monitoring and verification of correction, comprehensive monitoring that occurs on a six year cycle and enhanced monitoring. Selection of local school systems and public agencies for monitoring occurs through the following:

- All local school systems and public agencies participate in the Self-Assessment annually. The Self-Assessment serves as a key measurement of local school system overall performance in meeting the State’s targets on the indicators and is used in making local determinations. The Self-Assessment is a process that includes a review of local and State data, submission of corrective action plans (CAP) for compliance indicators that did not meet the target, and improvement plans for results indicators that did not meet the State’s target.
- Local school systems and public agencies are selected for focused monitoring based on the review of data, uncorrected noncompliance, demonstrated areas of concern, or for a State selected priority (i.e. discipline, secondary transition). For these, MSDE monitors progress and provides technical assistance as needed.
- Comprehensive reviews are scheduled for each local school systems and public agencies on a six year cycle. These reviews include onsite activities by a team of MSDE staff from targeted program areas as well as compliance staff. Activities include an administrative review, data review, review of student records, classroom visitations, interviews and other activities based on the needs of the local school systems or public agency. The six year schedule may be modified based on a local school systems or public agency’s current status and need.
- Enhanced monitoring activities are implemented as required for local school systems with the determination status of “Needs Substantial Improvement.” Currently the local school system under a consent decree is the only local school system in that determination status. Enhanced monitoring refers to the intensive level of ongoing monitoring and support. Monitoring for this local school system is the responsibility of a dedicated team of MSDE monitoring and support staff.
- The **Office of Quality Assurance and Monitoring** staff consists of three full time MSDE staff, two part time MSDE staff, and ten part-time consultants to **monitor** the State local school systems and public agencies. The local school system under the consent decree is assigned the equivalent of two full time MSDE staff and a team of part-time consultants. All staff and consultants work to ensure compliance, provide technical assistance and correct identified noncompliance in a timely manner.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2008:

Of the 214 findings of noncompliance identified in FFY 2007 that were required for correction in FFY 2008, 208 were corrected within one year. This resulted in a correction rate of 97.19% in FFY 2008 compared to 96.46% in FFY 2007. The percentage represents improvement from the previous year.

Five of six findings were subsequently corrected but exceeded the required timeline and are not counted in the correction rate. Of these six findings four findings identified through monitoring were related in Indicator 11. Since its submission of the SPP/APR, January 29, 2010, the State reviewed updated data (from February 2nd to April 12th) in its review of students records or other database to verify that that the remaining 4 LSS are now correctly implementing the specific regulatory requirements relative to 34 CFR 301(c)(1) and has completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the LSS. These four findings were corrected in the period between July 1, 2009 and December 31, 2009. One finding, identified through a complaint investigation, addressed FAPE in the LRE was also corrected between July 1, 2009 and December 31, 2009. One remaining finding in Indicator 13 (Secondary Transition), identified through monitoring for continuous improvement and results in one school district demonstrated improvement since the previous verification visit conducted in December 2009. In December 2009, 457 records were reviewed. At that time 213 records were compliant and 244 were noncompliant. As a result of the continued noncompliance a new Director of

Special Education has recently been appointed resulting in significant positive results in efforts to meet substantial compliance for Indicator 13. In April 2010, 207 records were reviewed for Indicator 13. Of the records reviewed 153 were compliant and 54 were noncompliant. The Office of Quality Assurance Monitoring staff and consultants are currently providing intensive on-site technical assistance and closely monitoring for correction of noncompliance and will do so until substantial compliance is met for Indicator 13.

Timely correction of noncompliance in the local school system that is under the consent decree is an ongoing challenge. The issues that impact correction are complex, involve the courts and have been impacted by system capacity regarding issues such data collection, school level accountability, availability of qualified staff, size of the school system and other issues that impact urban schools. During this reporting period the local school system corrected four of eight systemic actions that were due and addressed findings identified through dispute resolution in a timely manner.

Findings of noncompliance identified through dispute resolution in FFY 07 included Indicator 5 and 8 related requirements. For Indicator 5, the three findings related to placement determination of school age students. For Indicator 8 the violations include parent involvement and the content of prior written notice that includes proper documentation of the basis for the IEP team decision. The State addressed this issue by providing technical assistance including documentation options in the Statewide Online IEP. All violations referenced above for Indicators 5 and 8 were corrected within the required one year timeline. The State requires each LEA with a finding of noncompliance identified through dispute resolution to identify and implement actions that result in systemic correction and correction for all similarly situated students, if appropriate, consistent with OSEP Memorandum 09-02. There were no findings of related requirements findings for Indicators 6 and 7.

“Other areas of noncompliance” identified through monitoring activities and dispute resolution were based on related requirements and are generally described as:

- Monitoring findings: FAPE in the LRE addressed findings related to IEP team processes; ‘Disciplinary Removal’ to implementation of requirements upon removal of a student with a disability after ten days.
- Dispute resolution findings: FAPE in the LRE findings were related to requirements regarding IEP team process and IEP implementation; ‘Disciplinary Removal’ to procedural violations; ‘Behavior Interventions’ to State requirements regarding exclusion, restraint and seclusion; ‘Identification, Evaluation, Re-evaluation’ to procedural violations; ‘Records’ to proper maintenance; and, dispute resolution findings regarding ‘Parentally Placed Private School Students’ were for procedural violations related to IEP development.

In all local school systems with findings of noncompliance the State, through implementation of its improvement activities, has verified that the LEAs are correctly implementing the specific regulatory requirement based on specific indicator or associated related requirements, and have completed the required action for any student specific finding consistent with OSEP’s 09-02 Memo. In LEAs with findings of noncompliance the following improvement activities were implemented: MSDE staff and consultants conducted individualized review of data in order to identify root causes and to identify strategies to address systemic and/or student specific corrective actions, including completion of the action for timeline violations; review monthly and quarterly reporting of data and targeted assistance to improve systems of general supervision and school based accountability. In the school system under the consent decree MSDE consultant staff are assigned to support ongoing improvement/monitoring activities. The Office of Quality Assurance and Monitoring has designated two highly skilled consultants specifically for the purpose of correcting ongoing noncompliance.

The other three local school systems that have not corrected findings identified in FFY 07 include two large school systems. The number of schools and students impacts the time it takes to provide staff development, implement procedures and conduct follow-up needed to address the systemic noncompliance. The failure to correct noncompliance in one year is also compounded by high numbers of staff turnover and vacancies in these large systems.

MSDE has implemented the following improvement activities in order to meet the required timelines for correction of noncompliance:

Improvement Activities	Timeline	Resources	Status
When a CAP has been completed and PA submitted data show correction have been made, the State will conduct verification activities as soon as possible but in no case later than one year from the identification of noncompliance.	September 2006 – June 2007 and ongoing	DSE/EIS QAM DSE/EIS CIPD	All noncompliance that was corrected was verified within the required one year timeline. MSDE's verification of correction is implemented as soon as possible after PAs provided data that a finding of noncompliance was corrected
Develop data collection methods that continue to ensure data are valid and reliable across the DSE/EIS.	February 2007 – June 30, 2007 and ongoing	DSE/EIS Staff	The MSDE implemented edit checks and has specific timelines for reconciliation of the data. In addition, MSDE holds meetings with data manager to provide direction and technical assistance.
Identify TA and monitoring activities that serve as alternatives to on-site activities.	February 2007 – June 30, 2007 and ongoing	DSE/EIS QAM DSE/EIS CIDP DSE/EIS ECIE DSE/EIS PASD	The MSDE monitors data to review PA performance on indicators . Desk audit reviews occur to review data reports, Maryland's Scorecard and Online IEPs. PA access to Scorecard data and online IEPs has enabled PAs to monitor for correction and/or improvement.
Coordinate the findings from the Self-Assessment instrument with grants in the Local Application for Federal Funds (LAFF).	March 2007 and ongoing	DSE/EIS QAM DSE/EIS SEAP	MSDE has implemented a process to ensure funds are targeted in the annual Local Application for Federal Funds (LAFF) to identify priorities that include uncorrected noncompliance. In addition, targeted discretionary grant funds are available to local school systems and public agencies with identified noncompliance. These funds are available to support correction within timelines.

APR Template – Part B (4)

Improvement Activities	Timeline	Resources	Status
Based on an analysis of the data, implement TA activities that addresses targeted areas in PAs.	February 2007 – December 2007 and ongoing	DSE/EIS QAM DSE/EIS ECIE DSE/EIS PASD	The MSDE has conducted targeted technical assistance visits in all public agencies to address identified noncompliance and to ensure clear understanding of requirements to correct and maintain compliance.
Conduct DSE/EIS general supervisory coordination meetings for the purpose of coordinating practices, data collection and improving the rate of correction of noncompliance through TA and other strategies of enforcement.	February 1, 2007 – June 30, 2007 and ongoing	DSE/EIS QAM DSE/EIS CIDP DSE/EIS ECIE DSE/EIS PASD	General supervisory coordination meetings occur on as needed basis around targeted issues and on a scheduled basis once per month. TA is planned for and implemented jointly by compliance and program staff. Program and compliance staff and consultants are assigned based on needs and demonstrated performance.
Clarify and expand enforcement activities.	May 2007 – June 2007 and ongoing	DSE/EIS QAM DSE/EIS CIDP DSE/EIS ECIE DSE/EIS PASD	MSDE has codified enforcements included in COMAR. Public agencies are informed of enforcement through the annual determination process, funding letters and monitoring reports, as indicated.
Work with PAs to ensure adequate systems are in place that are designed to self-identify, monitor, and correct noncompliance.	February 2007 – December 2007 and ongoing	DSE/EIS QAM DSE/EIS PASD	CAPs have been assigned during this reporting period to PAs not correcting noncompliance within one year. PAs now share strategies for correction of noncompliance and maintenance of compliance during the annual Special Education Leadership conference.
Update the monitoring manual, as necessary.	May 2007 – September 2007 and ongoing	DSE/EIS QAM DSE/EIS CIDP DSE/EIS ECIE	This is complete and occurs as needed to reflect revised practices and procedures.

Correction of FFY 2007 Findings of Noncompliance Timely Corrected (corrected within one year from identification of the noncompliance):

1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008) (Sum of Column a on the Indicator B15 Worksheet)	214
2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	208
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	6

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above)	6
5. Number of findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	5
6. Number of findings <u>not</u> yet verified as corrected [(4) minus (5)]	1

Actions Taken if Noncompliance Not Corrected

For FFY 2007 findings of noncompliance for which the State has not yet verified correction, MSDE takes the following actions:

During the first year of corrective action, MSDE requires local school systems and public agencies to implement corrective actions **to address student specific and systemic actions**. For systemic actions, **local school systems** complete corrective action plans specifically tailored to the compliance indicator(s) with which the agency was noncompliant. The corrective action plan has designated areas of review the local school system or public agency must complete. These include activities to address root causes, self-review of policies and procedures and data to be submitted to MSDE. The plan also includes sources of technical assistance. MSDE technical assistance is provided to ensure the local school system and public agency understand the requirements and policies, and procedures and practices reflect compliance with the requirement. For those local school systems or public agencies that did not correct the findings of noncompliance for one or more of the compliance indicators in FFY 2007, MSDE **worked with the school system, provided technical assistance and** directed the local school system or public agency to review and revise the corrective action plan **(as appropriate)** to address the following:

- Identification of root causes of failure to comply. This includes general supervisory practices, policies and procedures **address specific requirements that resulted in failure to comply**, and resources, implementation and others as appropriate.
- Provision of staff training, specific to the noncompliance, so the noncompliance does not recur.
- Development and implementation of a targeted self-monitoring plan for the ongoing monitoring of the proper implementation of requirements and collection of data.
- Submission of documentation of correction activities **for both student specific and systemic findings**, in a prescribed format **as required by MSDE**.
- Submission of summary data on a designated schedule.

- Participation in regularly scheduled meetings with MSDE staff.

The areas of identified noncompliance identified in FFY 07 that were not corrected within the reporting period include systemic actions for **Indicator 11**, initial evaluations within timelines and Indicator 13, secondary transition. The MSDE has focused **monitoring and technical assistance** in these school systems (and statewide) to address these priority areas. These include focused and regional technical assistance activities. The MSDE assigns specifically trained experienced Office of **Quality Assurance and Monitoring staff and** consultants to provide regularly scheduled onsite technical; assistance for school systems that have demonstrated continuing noncompliance.

MSDE requires the development of corrective action plans to specifically ensure local school systems and public agencies correct all instances of noncompliance. The MSDE also **requires** public agencies to target resources through the local application for federal funds to address identified noncompliance. The State uses the timely correction of noncompliance as a significant factor in making local determinations.

Verification of Correction (either timely or subsequent)

Maryland verifies correction through the following processes to verify that the local school system or public agency is correctly implementing the specific regulatory requirements and has corrected all findings of noncompliance:

- MSDE staff verifies Self-Assessment data that is reported as compliant and reviews corrective action plans for sufficiency for those indicators that did not meet the compliance target. As the local school system or public agency implements the corrective action plans, MSDE staff review policies, procedures and practices and reviews data during the year to ensure the local school system or public agency making adequate progress toward correction. Before the end of the period of the corrective action plan, MSDE verifies correction or the local school system or public agency is notified of continuing noncompliance.
- Annually, MSDE verifies all data for compliance indicators 11, 12, and 13 through a desk audit or on-site visit to review student records and appropriate documentation.
- For school systems with required corrective actions, **that include student specific requirements**, MSDE staff reviews IEPs and other relevant information completed after the implementation of the corrective action, to determine if the local school system or public agency is correctly implementing the specific regulatory requirement **and to ensure each individual case of noncompliance is corrected.**

Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable)

1. Number of remaining FFY 2006 findings noted in OSEP’s June 1, 2009 FFY 2007 APR response table for this indicator	3
2. Number of remaining FFY 2006 findings the State has verified as corrected	2
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	1

There is one uncorrected finding identified in FFY 06 in the school system under the consent decree in the area of Secondary Transition. Two previously uncorrected findings of noncompliance identified in FFY 06 were corrected during this reporting period. These addressed to Discipline and LRE related requirements (IEP progress reports). **In order to identify root causes MSDE has continued to work with**

the school system under the consent decree to review data, conduct monitoring activities, provide expert consultation and identify root causes that relate to Secondary Transition.

In order to address the continuing noncompliance in the school system under the consent decree the following have occurred:

- CAPs are reviewed and revised with MSDE staff and school system staff. MSDE approves all CAPs.
- MSDE staff provided professional development to transition coordinators. MSDE staff has also consulted with personnel within the local school system under the consent decree to review data and coordinate improvement and progress monitoring activities
- Data for each area of noncompliance is submitted to the MSDE on a quarterly basis for progress monitoring.
- The local school system has been required to identify resources to address continuing noncompliance.

Sanctions include intensive oversight by MSDE staff. Intensive Management and Capacity and Improvement Team (IMCIT) staff are on site and continue to work to develop internal capacity within the school system and provide technical assistance. An intensive review of secondary transition occurred through Enhanced Monitoring for Continuing Improvement process. In addition, through the annual determination process that is reported on the Department Website, MSDE has determined that this system is in Needs Substantial Intervention. This intensive oversight and technical assistance will continue.

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable)

1. Number of remaining FFY 2005 findings noted in OSEP's June 1, 2009 FFY 2007 APR response table for this indicator	5
2. Number of remaining FFY 2005 findings the State has verified as corrected	2
3. Number of remaining FFY 2005 findings the State has NOT verified as corrected [(1) minus (2)]	3

Three findings of noncompliance identified from FFY 05 that remain uncorrected have occurred in the local school system under the consent decree. The uncorrected findings include Discipline, LRE, and Exit data. Findings that were corrected include IEP implementation and C to B transition.

MSDE has worked with the school system to identify root causes that impact each area of remaining noncompliance and specify strategies and activities to address each root cause. This process has involved school system staff, MSDE compliance and program staff, and contractual personnel who provide intensive support.

In order to address the continuing noncompliance the following have occurred:

- Corrective action plans are reviewed and revised with MSDE staff and school system staff. MSDE approves all CAPs.
- Additional staff training has been implemented to address areas of continuing noncompliance. National experts have been involved to address specific issues that have impacted correction (behavior intervention FBA and BIP)

APR Template – Part B (4)

- The local school system has internal monitoring staff that focuses on correction of identified noncompliance. Targeted action plans have been developed for target schools to address compliance.
- Data for each area of noncompliance is submitted to the MSDE on a quarterly basis for progress monitoring and monthly for discipline.
- Required the school system to identify resources to address continuing noncompliance.

Additional sanctions include increased oversight by assigning MSDE staff on site to provide technical assistance and monitor activities. In addition, through the annual determination process that is reported on the Department Website, MSDE has determined that this system is in Needs Substantial Intervention. Therefore intensive oversight and technical assistance will continue.

MSDE also notes that while correction is not complete, the Superintendent demonstrates substantial commitment to correct noncompliance. School system staff continues to work with IMCIT and MSDE monitoring staff to continue progress monitoring to address areas of continuing noncompliance. The MSDE has made grant funds available to support continued improvement. MSDE continues to coordinate with the Court Master and participates in multi-party meetings to plan activities to address the ongoing court action.

Additional Information required by the OSEP APR Response Table (if applicable)

Statement from the Response Table	State's Response
The State must demonstrate in FFY 2008 APR, due February 1, 2010, that the State has corrected the remaining findings of noncompliance identified in FFY 2005 that were not reported as corrected in the FFY 2007 APR	Of the remaining five findings identified from FFY 05 two are corrected. Three findings in the local school system under the consent decree that include Discipline, LRE and Exit Data remain open.
In reporting on correction of remaining noncompliance identified in FFY 2005 and FFY 2006 the State must report that it has: (1) corrected all instance of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements consistent with OSEP Memo 09-02.	The MSDE has verified that four of the eight remaining noncompliance identified in FFY 05 and 06 were verified and each local school system is correctly implementing the specific regulatory requirements.
In addition, in responding to Indicators 11, 12 and 13 in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table under those indicators.	See APR Indicators 11, 12, and 13.
If the state is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.	The State has revised its improvement activities to ensure compliance. In addition, designated staff and consultants provide scheduled technical assistance, monitoring and verification of progress.

APR Template – Part B (4)

In reporting on Indicator 15 in the FFY 2008 APR, the State must use the Indicator 15 Worksheet	See attached Part B Indicator 15 Worksheet.
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Revisions, with Justification, to Improvement Activities/Timelines/Resources for FFY 2009

Improvement Activities	Timeline	Resources	Justification
Based on an analysis of public agency data, technical assistance activities are scheduled to implement effective practices of general supervision to correct noncompliance in a timely manner. REVISED	July 1, 2009 and ongoing	DSE/EIS QAM DSE/EIS ECIE DSE/EIS PASD	To improve rate of correction of identified noncompliance
Conduct DSE/EIS general supervisory coordination meetings for the purpose of coordinating practices, data collection and ensure correction of noncompliance for targeted school systems with uncorrected noncompliance. REVISED	July 1, 2009 - ongoing	DSE/EIS QAM DSE/EIS CIDP DSE/EIS ECIE DSE/EIS PASD	To improve rate of correction of identified noncompliance
Through the Annual Leadership Conference and DSE/EIS technical assistance activities facilitate sharing among PAs to ensure systems are in place that are designed to self-monitor, identify and correct noncompliance and maintain compliance. REVISED	July 1, 2009 and ongoing	DSE/EIS QAM DSE/EIS CIDP DSE/EIS ECIE DSE/EIS PASD	To improve rate of correction of identified noncompliance
Provide focused training for consultant monitoring staff to address indicators 11, 12, 13. NEW	July 1, 2009 and ongoing	DSE/EIS QAM DSE/EIS CIDP DSE/EIS ECIE DSE/EIS PASD JHU/CTE	Additional trained staff will support LSS to ensure timely correction
Increase frequency of the submission of Statewide data to improve outcomes on Indicators 11, 12 and 13. This data is monitored quarterly. NEW	January 1, 2010 and ongoing	DSE/EIS QAM DSE/EIS CIDP DSE/EIS ECIE DSE/EIS PASD JHU/CTE DSE/EIS IT/DATA	To improve rate of timely correction of identified noncompliance

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-2.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

FFY	Measurable and Rigorous Target
FFY 2008 (2008 – 2009)	100% of all complaint investigations are completed within the required timelines.

Actual Target Data for FFY 2008: 100% - Target Met

All of the 76 complaints that resulted in an investigation were completed within the required timelines, or a timeline that was properly extended. Please refer to attached Table 7.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

MSDE has continued to achieve 100% compliance as all complaint investigations have been completed within the required timelines. MSDE continues to implement all current improvement activities identified in the State Performance Plan. These include ongoing efforts to recruit and retain qualified staff and continued emphasis on and participation in professional development activities.

In order to sustain performance, MSDE has emphasized the importance of early dispute resolution, consistent with IDEA 2004, and provides staff development activities for MSDE staff, public agency staff, and advocates regarding requirements of IDEA and special education law. Further, MSDE continues to support local school systems that participate in the IEP Facilitation project.

Technical Assistance Sources from which the State Received Assistance, and What Actions the State took as a Result of that Technical Assistance:

MSDE accessed technical assistance from the following resources:

- *IDEA Building the Legacy* website including resources, links, and topical briefs
- OSEP National Accountability and Leadership Conferences
- CADRE resources
- Mid-South Regional Resource & Federal Center

APR Template – Part B (4)

MARYLAND
State

- OSEP TA calls
- Annual LRP conference *Legal Issues in Special Education*
- LRP publications, including *Special Education Connection*
- Resources from other state agencies

These resources, especially those provided by OSEP and Mid South Regional Resource Center (MSRRC), were used to support professional development activities and were a factor in meeting the target.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009: N/A

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100.

FFY	Measurable and Rigorous Target
FFY 2008 (2008 – 2009)	100% of all due process hearings are completed within the required timelines.

Actual Target Data for FFY 2008: 93% - Target Not Met

Please refer to attached Table 7.

During this reporting period, there was one due process hearing complaint that was fully adjudicated but the decision was not issued within the 45-day timeline or a timeline that was properly extended by the hearing officer.

Of the 15 due process hearing complaints that were fully adjudicated, 14 of the hearing decisions were issued within timelines or within a timeline that was properly extended by the hearing officer.

During this reporting period, there were 13 less fully adjudicated hearings than there were during the last reporting period. MSDE attributes this decrease in fully adjudicated hearings, in part, to the continuing increase in both successful mediations and resolutions sessions (see Indicators 18 and 19).

However, because the total number of fully adjudicated due process hearings has decreased by almost 50 percent, the percentage impact of a single late hearing is significant and is reflected in the target data.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

MSDE has analyzed the specific issues that contributed to the late hearing decision and determined that, based upon the facts that contributed to this occurrence, the incident was the result of a unique circumstance and is not systemic in nature.

In order to address this slippage, MSDE met with Office of Administrative Hearings personnel to review the matter. This activity included a review of the internal practice and procedure that is utilized by the Office of Administrative Hearings to prevent the issuance of late hearing decisions and an assurance by

that office that the supervisory staff would address this issue directly with the parties responsible for this slippage.

MSDE is pleased to report that the one decision that was not issued within timelines was issued early in this reporting period, and that since this issue has been addressed, it had been corrected and has not occurred again.

Additionally, MSDE continues to implement all improvement activities to ensure hearing decision timelines are met. In addition to the ongoing review of the data collected, MDSE holds regular meetings with Office of Administrative Hearings personnel to review the data and to identify and address barriers that may impact the timeliness of decisions.

MSDE continues to provide professional development to Administrative Law Judges (hearing officers) and Office of Administrative Hearings staff on legal issues and updates to federal and State requirements.

Technical Assistance Sources from which the State Received Assistance, and What Actions the State took as a Result of that Technical Assistance

Information obtained through technical assistance resources included the following:

- *IDEA Building the Legacy* website including resources, links, and topical briefs
- OSEP National Accountability and Leadership Conferences
 - CADRE resources
- Mid-South Regional Resource & Federal Center
- OSEP TA calls
- Annual LRP conference *Legal Issues in Special Education*
- LRP publications, including *Special Education Connection*
- Resources from other state agencies

Utilization of these resources assisted this office in providing staff development activities and technical assistance to ensure that timelines were met.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009: N/A

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = (3.1(a) divided by 3.1) times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2008 (2008 – 2009)</i>	64 – 75% of all resolution meetings conducted will result in a settlement agreement

Actual Target Data for FFY 2008: 79% Target Met

Please refer to attached Table 7.

MSDE reports that not only has it continued to meet this target but also that it the percent of hearing requests that went to resolution sessions, which were resolved through resolution session settlement agreements, increased by 12 percentage points since last year, from 65 percent to 79 percent.

Of the 84 resolution meetings held, 67 resulted in a settlement agreement.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

In order to sustain performance and continue to improve, MSDE is implementing the improvement activities identified in the SPP. MSDE continues to support the use of resolution meetings as an effective means of resolving disputes prior to a due process hearing. In order to support public agencies' implementation of this process, MSDE has provided ongoing technical assistance to public agency personnel.

Technical Assistance Sources from which the State Received Assistance, and What Actions the State took as a Result of that Technical Assistance

Information obtained through technical assistance resources included the following:

- *IDEA Building the Legacy* website including resources, links, and topical briefs
- OSEP National Accountability and Leadership Conferences
- CADRE resources

- Mid-South Regional Resource & Federal Center
- OSEP TA calls
- Annual LRP conference *Legal Issues in Special Education*
- LRP publications, including *Special Education Connection*
- Resources from other state agencies

MSDE utilized the information available through these resources to support ongoing efforts to improve the due process hearing resolution process, to meet the required target and improve results for students and families

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/
Resources for FFY 2009: N/A**

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement:
Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2008 (2008 – 2009)</i>	Maintain 75 – 85% rate of mediations that result in mediation agreements.

Actual Target Data for FFY 2008: 77% Target Met

Please refer to attached Table 7.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

- MSDE continues to report progress toward meeting this target, which has increased by 4 percentage points since last year.
- Of the 181 mediations held 140 resulted in mediation agreements.
- MSDE has implemented the improvement activities stated in the SPP. These include regular data review with OAH staff, support for staff development and mediator training. MSDE will continue to implement these activities in order to maintain performance and support continued improvement.
- MSDE has also developed a mediation survey for participants in the mediation process. The information gathered from these surveys has been reviewed and continues assist in identifying and addressing barriers that may impact the reaching of agreements.
- MSDE continues to promote the use of mediation while recognizing that not all mediations will result in a mediation agreement.

Technical Assistance Sources from which the State Received Assistance, and What Actions the State took as a Result of that Technical Assistance:

MSDE accessed the following technical assistance information:

- *IDEA Building the Legacy* website including resources, links, and topical briefs

APR Template – Part B (4)

MARYLAND
State

- OSEP National Accountability and Leadership Conferences
- CADRE resources
- Mid-South Regional Resource & Federal Center
- OSEP TA calls
- Annual LRP conference *Legal Issues in Special Education*
- LRP publications, including *Special Education Connection*
- Resources from other state agencies

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2009: N/A

Part B State Annual Performance Report (APR) for FFY 2008

Overview of the Annual Performance Report Development

Please refer to the Overview, pages 1-2.

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:
State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and
- b. Accurate, including covering the correct year and following the correct measurement.

States are required to use the “Indicator 20 Scoring Rubric” for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
FFY2008 (2008 – 2009)	100% of State reported 618 data and annual performance reports are accurate and submitted on or before due dates.

Actual Target Data for FFY 2008: 100% - Target Met

The goal remains 100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates. Please refer to Attachment 6 – Indicator 20 Scoring Rubric.

Submission of Section 618 Data

Name of Report	Date Due	Date Submitted	Flags	Response to Flags
Table 1 Child Count EDFacts	2.1.09	1.29.09		
Table 2 Personnel DTS Form	11.1.09	10.28.09		
Table 3 least restrictive environment EDFacts	2.1.09	1.29.09	Yes	8.27.09

Table 4 Exit EDFacts	11.1.09	10.16.09		
Table 5 Discipline EDFacts	11.1.09	10.20.09 Resubmitted 12.5.09		
Table 6 Assessment EDFacts	2.1.10			
Table 7 Dispute Resolution DTS Form	11.1.09	10.28.09	Yes	Yes – phone conference with Jill Chlan, Sally Slade, Carol Bruce, and Jessica Grzymkowski 7.24.09
FFY 08 (7/1/08-6/30/09) SPP/APR	2.1.10			

State Data System

The data system incorporates a variety of information from other MSDE offices. MSDE procedures for data collection are clearly delineated in MSDE data collection manuals to address the specific data collection and reporting requirements of the Department. This Division collaborates with staff members from the Division of Accountability and Assessment, the Division of Instruction, and the Division of Student, Family and School Support to collect, disaggregate, analyze, report, and/or develop new data collections, as determined appropriate, to ensure data on students with disabilities required in accordance with IDEA are accurate, valid, and reliable.

Data on students with disabilities is located in different data collection sets. The access to newly collected disaggregate data on students with disabilities has allowed for the cross-referencing of data reports between different data sets. Presently relational links are being developed for the incorporation of Unique Student ID numbers that will allow cross-referencing between all data sets including:

- Maryland School Assessment (MSA) data relative to content areas, grade, and type of assessment in relationship to least restrictive environment data on students with disabilities. At present MSDE is testing the ability to match the Division’s Special Services Information System data collection on students with disabilities (which generates least restrictive environment data) with the MSA data collection system. The links are presently based on several logarithms and direct matches and student identifiers. Links are also being tested using Unique Student Identification number.
- Report of student participation and performance in Statewide assessments under NCLB.
- Comparison of Section 618 data on students with disabilities exiting special education to general education data collections as compared to the number of students with disabilities exiting as high school graduates and dropouts. This process will be used to check the validity of data reported in Indicator 2.
- Linkage of data from the Maryland Infants and Toddlers Program data collection on children, birth to three years old, to Special Services Information System for students with disabilities,

ages three through 21 years old. MSDE will also be able to link students with the extended IFSP option with students in Part B.

Most local school system and public agency special education data collection elements are collected as a part of the daily information management for all students. Department of Juvenile Services (DJS), Adult Correction Education (ACE), and Maryland State Department of Education Juvenile Correctional Education Program (MSDE/JCEP) have overcome their security issues and have begun utilizing the Maryland Statewide Online IEP system.

The Special Services Information System presently functions as a centralized data submission for Section 618 data. Personnel data are collected annually in Excel spreadsheets. Section 618 data are submitted via a secure server file transfer of data from local school systems and public agencies, including Maryland State Department of Education Juvenile Correctional Education Program (MSDE/JCEP), Department of Juvenile Services (DJS), Adult Corrections Education (ACE), Maryland School for the Blind (MSB), and Maryland School for the Deaf (MSD) who monitor and verify their data collection systems at the local level. Most public agency special education data collection elements are collected as a part of the daily information management for all students.

Thirteen local school systems and five public agencies utilizing the Maryland Statewide Online IEP system have data transmitted nightly to the Special Services Information System (SSIS). Nine local school systems utilize electronic file transfers twice a year to an MSDE secure server for web-based data submission of the annual child count, census data, and exit data. Personnel data continue to be collected annually in Excel spreadsheets. MSDE has been collecting pilot data quarterly from local school systems/public agencies utilizing the Maryland Statewide Online IEP.

Accuracy of the data is dependent upon the accuracy of the submitted school level data. Questions and discrepancies in the data are always verified by MSDE staff with the local school system/public agency. The local school system/public agency SSIS Data Manager corrects errors and resubmits the entire data file to MSDE to ensure that corrections are made in both the database and the error file. The new mdssis.org system allows two methods of data submission:

- Data submitted as one large file and then corrected and resubmitted; or
- Data submitted as a large file and error records are held in a suspense file until the local school system/public agency corrects the errors online. Once corrected records are accepted local school system/public agency can extract the corrected file and repopulate the local school system/public agency system with the corrected records.

Data on students with disabilities is submitted electronically from local school systems and public agencies. Each local school system/public agency is responsible for submitting data for each student using an electronic file transfer over a secure server website. Each of the data elements contained on the SSIS records are required and must be accurately maintained. The database consists of two types of records: the SSIS Student Record that contains student demographic information; and the SSIS Service Record that contains information about the services provided to the student. Twice a year local school systems and public agencies are required to submit an electronic file of SSIS data. These data submissions are for the last Friday of October Census Data, including the annual child count, and the June 30 Exit data. Local school system and public agencies using the Maryland Statewide Online IEP system are submitting data on a nightly basis. Local directors of special education are responsible for supervising the accurate and timely entry of data. The data manager within each local school system/public agency is responsible for accurate and timely data submissions of records through an electronic file transfer into the MSDE secure server.

The following processes and procedures are in place to ensure reliability of the data system:

- The Special Services Information System secure server is available 24 hours a day for file submissions. The secure server is backed up nightly and replicated off-site. Files posted are reviewed and edited daily.
- Files are loaded into the database which resides on a secure network and is backed up nightly using Storage Area Network (SAN) Disk.
- Part B Data Managers and other MSDE staff are available to provide support when needed.
- The Special Services Information System Manual Appendix provides detailed information for local school systems and public agencies to build mechanisms within their systems for data accuracy.

MSDE runs edit reports of the files for the local school systems and public agencies to correct and resubmit their files to MSDE.

- Upon receipt of the Special Services Information System data, each record is edited to be certain that the record is complete and valid codes have been used.
- MSDE generates a report of the total count of active or exited students (October and June collections, respectively) for each local school system/public agency.
- Each local school system/public agency data manager receives a copy of the report for review and verification.

In the event that discrepancies are found, the local school system/public agency makes corrections and resubmits the entire file or utilizes the option to correct and resubmit error records. MSDE produces an updated summary report and returns this to the local school system/public agency for review and signature. During the annual child count collection, MSDE produces two additional reports for the Superintendent's signature. One report lists students who have Individual Education Programs developed more than 13 months prior to the last Friday of October. The second report lists the number of students who have not had a re-evaluation for more than three years. Local school systems and public agencies utilizing the Statewide Online IEP are able to administer data on a daily basis, therefore, error correction is more timely and manageable.

To ensure validity, the MSDE Special Services Information System manual provides data standardization for definitions and provides system edits similar to those suggested system edits provided by WESTAT. Validity of the data and consistency with OSEP data instructions is ensured throughout the data collection process by a number of practices and safeguards including edits built into the data collection system, such as data definition edits (what values are put in what fields), out-of-range edits, cross-field or relationship edits, and checks to ensure that all local school systems and public agencies submit data.

- MSDE regularly revises the Special Services Information System Manual according to State and/or Federal regulations. The Manual is distributed at Data Manager Meetings, placed on the MSDE web site, and is also sent to each local school system/public agency electronically.
- MSDE produces the Census Publication and Related Tables from the data system which contains multiple tables and is posted on the MSDE web site. An additional internal report produced is the 5% Analysis Report which highlights any local school system/public agency with 5% or more population increases.
- MSDE uses the WESTAT Verification Reports to flag large changes in the data. Data is disaggregated to determine which local school system/public agency is involved. When

disaggregated data is suspect, MSDE contacts the local director of special education. Directors of special education and MSDE staff work together to validate the data. The local school system/public agency provides MSDE the reasons for large changes in data and that information is analyzed at MSDE and provided to WESTAT.

MSDE annually conducts an audit that compares Special Services Information System to Exit Data from each local school system/public agency. The students are matched by using the student's social security number or Unique Student ID, if available, as the link between two data collections. MSDE required local school systems and public agencies to explain/revise data following an analysis of the students who were described as exited in the Special Services Information System Exit Count, yet also reported as receiving services in the next Special Services Information System Child Count Data. After reviewing, the local school system/public agency is required to provide to MSDE a letter of summary analysis of findings for each category. All student records referenced in the detailed report provided to the local school system/public agency may be included in a random audit of these records.

MSDE reviews records to support 618 data collections. MSDE annually monitors student records for IEPs that were more than 13 months prior to the last Friday of October and for students who have not had a re-evaluation for more than three years. Sampling is not used for the child count. However, sampling may be used for monitoring purposes. Local school system/public agency data systems are student level systems and sampling may be required for audits and record reviews.

MSDE Division of Budget and Management routinely audits local school system/public agency data to determine whether: (1) students included on the State Aid for Special Education report are eligible; (2) applicable laws and regulations are complied with governing State Financial Assistance under Special Education Grant; and (3) accurate data is reported in claiming State funds.

The alignment between Department policy and the use of data is evident. MSDE has a history of providing accurate student level data on public school students, including students with disabilities. MSDE has provided accurate and timely data to OSEP and WESTAT and has responded within timelines to WESTAT'S data validation process comparing significant year-to-year changes in data collections.

Each local school system/public agency reported all required special education data for FFY 2008 (July 1, 2008 – June 30, 2009). The submission dates were within the OSEP timeline requirements. MSDE will continue to provide technical assistance to local school systems and public agencies to facilitate timely accurate data submission. The validity and reliability of student level data are high. MSDE uses validation rules to ensure that Special Services Information System child count data records are error free. Validations include: element level (e.g., dates within ranges), cross element level (e.g., grade X age relationship be consistent with acceptable age range for each grade), and agency level (e.g., duplications between or among agencies, types of internal validation routines).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008

MSDE completed all activities with the exception of those marked annually or ongoing. Data submissions for the Special Services Information System (SSIS) comes from local school systems and public agencies and is received from two possible sources: Maryland's Statewide Online IEP System (which provides data nightly); and vendor based IEP systems (which submit data to MSDE two times a year).

MSDE is implementing Quarterly Data Collection for all local school systems and Public Agencies as of December 31, 2009. For local school systems that utilize the Maryland Online IEP System most of the required quarterly data uploads nightly to SSIS from OIEP. Those local school systems only have to report quarterly the Indicator data that is currently being collected on excel spreadsheets, Indicators 11, 12, and 13. Local school systems that utilize vendor systems will report quarterly data via file submission and excel spreadsheets. The quarterly data will be uploaded to the Maryland Scorecard where local school systems and MSDE staff can track the progress of Indicator data.

As of the October 2010 data collection MSDE will incorporate into the SSIS data collection all data needed for Indicators 11 and 12. It requires a year to implement new data fields into SSIS data collection, therefore by 2011 the data for Indicators 11 and 12 should come from SSIS and the excel data collection sheets for Indicators 11 and 12 should no longer be necessary. Annually, local school systems and public agencies participate in the Office of Monitoring for Continuous Improvement and Results monitoring of data collection and reporting activities.

Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2009:

Improvement Activities	Timelines	Resources	Justification
Linkage of data from the Maryland Infants and Toddlers Program (MITP) data collection on children, birth to three years old, to SSIS for students with disabilities, ages three through 21 years old	June 2007 through February 2012 REVISED	Data Collection staff/Data Managers SSIS Data Managers Directors of Special Education DES/EIS ECIE DSE/EIS Program Staff JHU/CTE DataLab USA	Unable to complete the activity as previously specified because of a need to revise the length of the first name field. MSDE revised the requirement after the October 31, 2008 child count data was finalized.
It is anticipated that MSDE will continue to use Excel forms to collect data on children served under Part C transitioning into Part B through FFY 2007 (2007-2008).	July 2006 through February 2012 REVISED	Data Collection staff/Data Managers SSIS Data Managers Directors of Special Education DSE/EIS ECIE DSE/EIS Program Staff	The continued use of Excel Spreadsheets, in conjunction with data submissions, assists in the verification of data accuracy.

Attachment 1

FFY 2008 Table 6

Assessment

Attachment 2

FFY 2007 Table 5

Discipline

Attachment 3

FFY 2008 Parent Surveys

Preschool

School-Age

Attachment 4

FFY 2008 Indicator 15

Worksheet

PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma. 2. Percent of youth with IEPs dropping out of high school. 14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
3. Participation and performance of children with disabilities on statewide assessments. 7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	3
	Dispute Resolution: Complaints, Hearings	0	0	0
5. Percent of children with IEPs aged 6 through 21 -educational placements. 6. Percent of preschool children aged 3 through 5 – early childhood placement.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	2	3	3
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	9	21	21

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings	0	0	0
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	19	19	19
	Dispute Resolution: Complaints, Hearings	2	2	2
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	7	7	7
	Dispute Resolution: Complaints, Hearings	0	0	0
13. Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	14	14	13
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: FAPE in the LRE related requirements, (includes IEP process and IEP implementation)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	12	12
	Dispute Resolution: Complaints, Hearings	15	100	99
Other areas of noncompliance: Disciplinary removal, related requirements	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	1

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2007 (7/1/07 to 6/30/08)	(a) # of Findings of noncompliance identified in FFY 2007 (7/1/07 to 6/30/08)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings	4	9	9
Other areas of noncompliance: Timely and Accurate data	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
Behavior Intervention COMAR	Monitoring	0	0	0
	Dispute Resolution: Complaints, Hearings	3	3	3
Identification, Evaluation, Re-evaluation related requirements				
	Dispute Resolution: Complaints, Hearings	5	10	10
Records				
	Dispute Resolution: Complaints, Hearings	7	8	8
Parentally Placed Private School Students				
	Dispute Resolution: Complaints, Hearings	2	2	2
Sum the numbers down Column a and Column b			214	208
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	97.19%

Attachment 5

FFY 2008 Table 7

Dispute Resolution

TABLE 7

REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT
2008-09

SECTION A: WRITTEN, SIGNED COMPLAINTS	
(1) Total number of written, signed complaints filed	102
(1.1) Complaints with reports issued	76
(a) Reports with findings of noncompliance	66
(b) Reports within timeline	75
(c) Reports within extended timelines	1
(1.2) Complaints pending	0
(a) Complaints pending a due process hearing	0
(1.3) Complaints withdrawn or dismissed	26
SECTION B: MEDIATION REQUESTS	
(2) Total number of mediation requests received	314
(2.1) Mediations held	181
(a) Mediations held related to due process complaints	70
(i) Mediation agreements related to due process complaints	52
(b) Mediations held not related to due process complaints	111
(i) Mediation agreements not related to due process	88
(2.2) Mediations not held (including pending)	133
SECTION C: DUE PROCESS COMPLAINTS	
(3) Total number of due process complaints filed	259
(3.1) Resolution meetings	84
(a) Written Settlement agreements	67
(3.2) Hearings fully adjudicated	15
(a) Decisions within timeline (include expedited)	5
(b) Decisions within extended timeline	9
(3.3) Resolved without a hearing	237
SECTION D: EXPEDITED DUE PROCESS COMPLAINTS (RELATED TO DISCIPLINARY DECISION)	
(4) Total number of expedited due process complaints filed	8
(4.1) Resolution meetings	5
(a) Written settlement agreements	5
(4.2) Expedited hearings fully adjudicated	0
(a) Change of placement ordered	0

U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION
AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION
PROGRAMS

COMMENT

TABLE 7

REPORT OF DISPUTE RESOLUTION UNDER PART B, OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT
2007-08

STATE: MD - MARYLAND

COMMENTS

Section D(4)(a) - the remaining expedited due process complaints were settled at mediation.

Attachment 6

FFY 2008

Indicator 20 Scoring Rubric

SPP/APR Data - Indicator 20			
APR Indicator	Valid and Reliable	Correct Calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	1	1	2
4A	1	1	2
5	1	1	2
7	1	1	2
8	1	1	2
9	1	1	2
10	1	1	2
11	1	1	2
12	* 1	1	2
13	N/A	N/A	0
14	N/A	* N/A	0
15	1	1	2
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	34
APR Score Calculation	Timely Submission Points - If the FFY 2007 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total - (Sum of subtotal and Timely Submission Points) =		39.00

618 Data - Indicator 20					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/1/09	1	1	1	1	4
Table 2 - Personnel Due Date: 11/1/09	1	1	1	N/A	3
Table 3 - Ed. Environments Due Date: 2/1/09	1	1	1	1	4
Table 4 - Exiting Due Date: 11/1/09	1	1	1	N/A	3
Table 5 - Discipline Due Date: 11/1/09	1	1	1	N/A	3
Table 6 - State Assessment Due Date: 2/1/10	1	N/A	N/A	N/A	1
Table 7 - Dispute Resolution Due Date: 11/1/09	1	1	1	N/A	3
				Subtotal	21
618 Score Calculation			Grand Total (Subtotal X 1.857) =		39.00
Indicator #20 Calculation					
A. APR Grand Total				39.00	
B. 618 Grand Total				39.00	
C. APR Grand Total (A) + 618 Grand Total (B) =				78.00	
Total N/A in APR				0	
Total N/A in 618				0	
Base				78.00	
D. Subtotal (C divided by Base*) =				1.000	
E. Indicator Score (Subtotal D x 100) =				100.00	

Note any cell marked as N/A will decrease the denominator by 1 for APR and 1.857 for 618