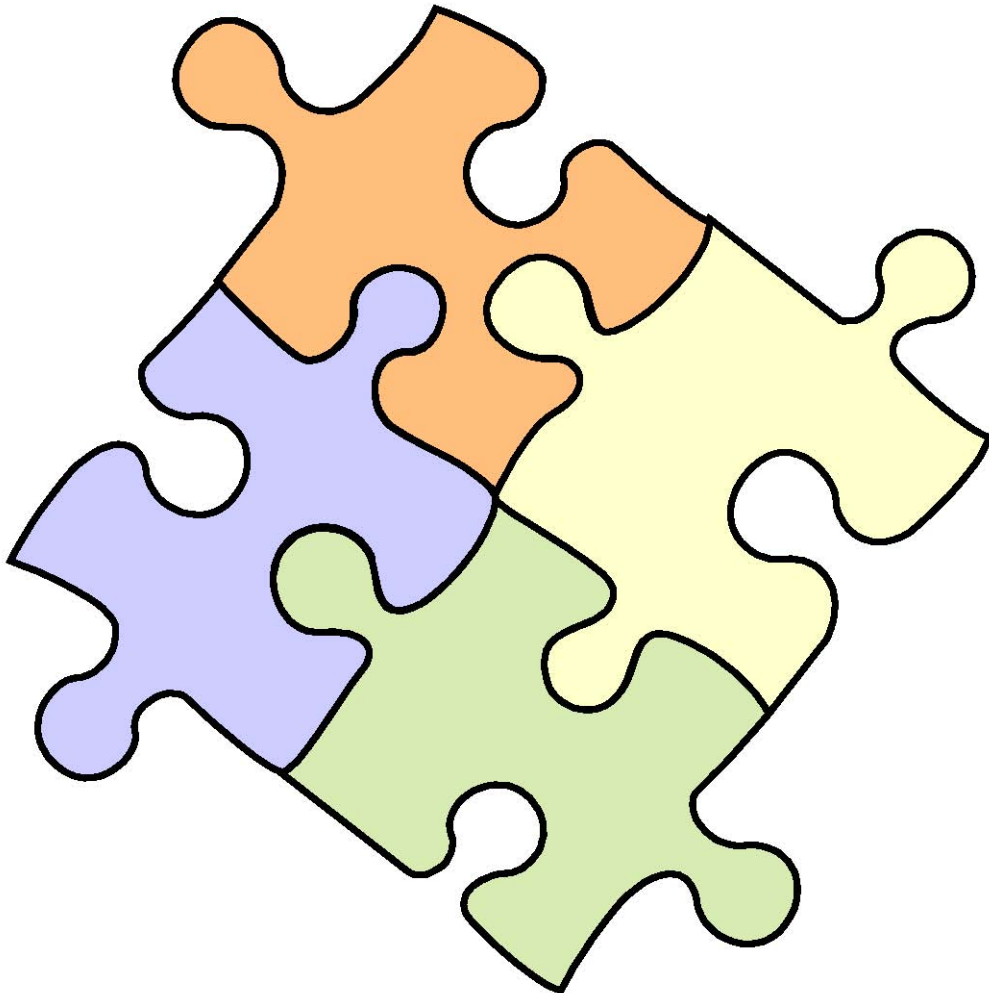


**FFY 2009 (2009-2010)  
State Performance Plan (SPP) and  
Annual Performance Report (APR)**



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
January 28, 2011

## Table of Contents

### FFY 2009 (2009-2010) State Performance Plan (SPP) and Annual Performance Report (APR)

<b>Table of Contents</b>	<b>i</b>
<b>Overview of Development of FFY 2009 State Performance Plan (SPP)/Annual Performance Report (APR)</b>	<b>1</b>
<b>Indicator 4B</b> Rate of Suspension and Expulsion (SPP).....	<b>4</b>
<b>Indicator 13</b> Secondary Transition–Correction of Noncompliance (SPP).....	<b>8</b>
<b>Indicator 14</b> Post-School Outcomes (SPP).....	<b>14</b>
<b>Indicator 1</b> Graduation with a Regular High School Diploma (APR).....	<b>21</b>
<b>Indicator 2</b> Dropout (APR).....	<b>29</b>
<b>Indicator 3</b> Participation and Performance on Statewide Assessments (APR).....	<b>34</b>
<b>Indicator 4A</b> Rate of Suspension and Expulsion (APR).....	<b>47</b>
<b>Indicator 5</b> Least Restrictive Environment (6 – 21) (APR).....	<b>54</b>
<b>Indicator 7</b> Child Outcomes (SPP).....	<b>59</b>
<b>Indicator 8</b> Parent Involvement (APR).....	<b>66</b>
<b>Indicator 9</b> Disproportionate Representation (Race & Ethnicity) (APR).....	<b>75</b>
<b>Indicator 10</b> Disproportionate Representation (Race, Ethnicity & Disability) (APR).....	<b>79</b>
<b>Indicator 11</b> Initial Evaluation (APR).....	<b>86</b>
<b>Indicator 12</b> Transition for Part C to Part B (APR).....	<b>93</b>
<b>Indicator 15</b> General Supervision (APR).....	<b>99</b>
<b>Indicator 16</b> State Complaints (APR).....	<b>110</b>
<b>Indicator 17</b> Due Process Complaints (APR).....	<b>112</b>
<b>Indicator 18</b> Resolution Sessions (APR).....	<b>114</b>
<b>Indicator 19</b> Mediations (APR).....	<b>116</b>
<b>Indicator 20</b> State Reported Data (APR).....	<b>118</b>
<b>Attachment 1</b> Parent Surveys (Indicator 8).....	<b>124</b>
<b>Attachment 2</b> Indicator 15 Worksheet (Indicator 15).....	<b>133</b>
<b>Attachment 3</b> Table 7 Dispute Resolution (Indicators 16 – 19).....	<b>139</b>
<b>Attachment 4</b> Indicator 20 Scoring Rubric (Indicator 20).....	<b>141</b>

# MARYLAND'S FFY 2009 (2009 – 2010) STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT

## Overview of Development of FFY 2009 State Performance Plan and Annual Performance Report

The attached documents are the Maryland State Department of Education's (MSDE) FFY 2009 (2009 – 2010) State Performance Plan/Annual Performance Report (SPP/APR). The SPP has been revised to include additional targets for FFY 2011 and FFY 2012 as directed. The APR provides the data and information required in accordance with the Part B SPP/APR Instruction Sheet provided by the Office of Special Education Programs (OSEP) dated October 10, 2010.

The MSDE identified staff from across the six branches within the Division of Special Education/Early Intervention Services (hereafter referred to as the Division) and formed internal division 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 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, 8, and 12]

The FFY 2009 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 2009 SPP/APR will also be made available to various media, consistent with MSDE dissemination of other written material. Upon OSEP approval of the FFY 2009 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://mdideareport.org> or <http://www.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 29, 2010 the preliminary SPP/APR data regarding the activities for each indicator and progress and/or slippage were presented at the annual Fall 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 were gathered on November 18, 2010 and January 20, 2011 at public meetings of the SESAC. At those meetings, data was shared concerning the current status of SPP/APR Indicators. On November 18, 2010, information was shared, with the members of the SESAC, 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 20, 2011 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 2009 SPP/APR submission were shared. On December 15, 2010, the Division of Special Education/Early Intervention Services disseminated a web-based survey to SESAC members for their input on proposed targets for the extension of the SPP/APR for two additional fiscal years (FFY 2011 and 2012). On January 6, 2011, proposed targets for the extension of the SPP/APR, for two additional federal fiscal years, were also shared with local directors of special education for their input.

Maryland's FFY 2009 Part B SPP contains baseline data, targets and, as needed, improvement activities for Indicators 4B, 13 and 14 (using the SPP template). Maryland's FFY 2009 Part B APR contains actual target data and other responsive APR information for:

- **Indicator 4B** (pages 4-7)
- **Indicator 13** (pages 8-13)
- **Indicator 14** (pages 14-20)
- **Indicator 1** (pages 21-27)
- **Indicator 2** (pages 29-33)
- **Indicator 3** (pages 34-46)
- **Indicator 4A** (pages 47-53)
- **Indicator 5** (pages 54-58)
- **Indicator 7** (pages 59-65)
- **Indicator 8** (pages 66-74)
- **Indicator 9** (pages 75-78)
- **Indicator 10** (pages 79-85)
- **Indicator 11** (pages 86-92)
- **Indicator 12** (pages 93-98)
- **Indicator 15** (pages 99-109)
- **Indicator 16** (pages 110-111)
- **Indicator 17** (pages 112-113)
- **Indicator 18** (pages 114-115)
- **Indicator 19** (pages 116-117)

- **Indicator 20** (pages 118-123)
- **Attachment 1** FFY 2009 Parent Surveys (pages 124 – 132)
- **Attachment 2** FFY 2009 Indicator 15 Worksheet (pages 133 – 138)
- **Attachment 3** FFY 2009 Table 7 Dispute Resolution (pages 139 – 140)
- **Attachment 4** FFY 2009 Indicator 20 Scoring Rubric (pages 141 – 143)

In accordance with FFY 2009 SPP/APR instructions, Maryland need not report on Indicator 6. In addition to information submitted in the SPP/APR, the following documents are attached to the end of the document:

- **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 – 2013 State Performance Plan is also attached. The revisions, noted in red, include an extension of the SPP for an additional two federal fiscal years (FFY 2011 and FFY 2012), updated overview, indicators, baselines, targets, measurements, improvement activities, timelines, and resources, as applicable.

As a follow-up to Maryland's FFY 2008 SPP/APR submission, OSEP notified Maryland in a letter dated June 3, 2010 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 2008 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 2008 data reflecting the measurement for each indicator; and (2) Maryland reported high levels of compliance or correction for Indicators 9, 10, 11, 12, 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](mailto:cheath-baglin@msde.state.md.us) for information related to Maryland's SPP/APR.

## Part B State Performance Plan (SPP) for 2005-2013

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: FAPE in the LRE****Indicator 4B:** Rates of suspension and expulsion:

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:**

Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of 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) divided by the (# of districts in the State)] times 100.

**Overview of Issue/Description of System or Process:**

Maryland identifies local school systems with significant discrepancy by race or ethnicity, in the rates of suspension and expulsions of greater than 10 days in a school year 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. In addition to meeting the risk ratio of 2.0 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

Based on the data, the State identified two local school systems with significant discrepancy by race for this reporting period. The local school systems provided the State with its policies and procedures regarding the suspension of students with disabilities. The State provided assistance focusing on the development of the corrective action by clarifying requirements, reviewing policies and procedures, individualized education program team processes, data accuracy and the provision of a free appropriate public education after day ten of suspension. Noncompliance was identified and correction required consistent with OSEP Memorandum 09-02 dated October 17, 2008.

**Baseline Data for FFY 2009 (using 2008-2009 data): 4.1% – Target not Met**

FFY	Measurable and Rigorous Target
<b>2009 (using 2008-2009 data)</b>	<p><b>0%</b> of districts that have:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul>
<b>2010 (using 2009-2010 data)</b>	<p><b>0%</b> of districts that have:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul>
<b>2011 (using 2010-2011 data)</b>	<p><b>0%</b> of districts that have:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul>
<b>2012 (using 2011-2012 data)</b>	<p><b>0%</b> of districts that have:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul>

**Baseline Data:**

<b>2009 (using 2008-2009 data)</b>	<p><b>4.1%</b> of districts that have:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul>
--	--

**Discussion of Baseline Data:**

A review of baseline data indicates that two local school systems were identified with 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 compared to nondisabled students. One local school system was identified in the race category of white. A review of policies and procedures indicate that they comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral

interventions and supports, and procedural safeguards. The second local school system was identified in the race category of African American. A review of this local school systems policies and procedures indicates noncompliance with requirements and therefore contributes to the significant discrepancy.

**4B(a). LEAs with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspension and Expulsion:**

Year	Total Number of LEAs	Number of LEAs that have Significant Discrepancies by Race or Ethnicity	Percent
FFY 2009 (using 2008-2009 data)	24*	2	8.3%

\*18 of the 24 local school systems did not meet the minimum “n” size

**4B(b). LEAs with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspensions and Expulsions; and 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.**

Year	Total Number of LEAs (that meet “n” size requirement)	Number of LEAs that have Significant Discrepancies, by Race or Ethnicity, and 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.	Percent
FFY 2009 (using 2008-2009 data)	24	1	4.1%

**Review of Policies, Procedures, and Practices** (completed in FFY 2009 using 2008-2009 data): If any LEAs are identified with significant discrepancies:

One local school system was identified with noncompliance related to discipline and the suspension of students with disabilities since the SY 2008-09. During this time period, technical assistance was provided to review progress, provide information, and conduct a mid-CAP review. Specifically, assistance focused on the development of the corrective action by clarifying requirements, and reviewing policies and procedures, individualized education program team processes, data accuracy, and the provision of a free appropriate public education after day ten. Although improvements have been made, the local school system continues to be noncompliant.

MSDE will continue to provide technical assistance and increase its supervisory oversight. The MSDE will:

- Assign an MSDE staff person to work directly with local school system staff for the correction of noncompliance;
- Provide available sources of technical assistance related to the areas of noncompliance;
- Require monthly collection of suspension data and quarterly results of internal audits of student records;
- Require quarterly scheduled meetings with MSDE;
- Require submission of regular reports on progress (minimum three times within the period of the CAP); and



## SPP Template – Part B (4)

- Conduct another on-site review of student records for students with disciplinary removals greater than ten school days prior to the end of the CAP.

### Improvement Activities/Timelines/Resources:

Improvement Activities	Timelines	Resources
Review local school system policies and procedures for practices related to suspension/expulsion.	January 2010 and ongoing through June 30, 2013	DSE/EIS staff (QAM) Consultants
Review individual records of SWD suspended for greater than ten days to ensure compliance with requirements.	January 2010 and ongoing through June 30, 2013	DSE/EIS staff (QAM) Consultants
Require the revision of local school system policies, procedures, and practices, as appropriate, when a significant discrepancy is identified in the rate of suspension/expulsion of students with disabilities by race/ethnicity as compared to nondisabled students.	January 2010 and ongoing through June 30, 2013	DSE/EIS staff (QAM) Consultants
Provide technical assistance to local school systems related to positive student behavior interventions.	January 2010 and ongoing through June 30, 2013	DSE/EIS staff (QAM) Consultants
Identify and implement best practice relative to reducing/eliminating disproportionate suspension of students with disabilities regardless of race/ethnicity.	January 2011 and ongoing through June 30, 2013	DSE/EIS staff (QAM) Consultants

**Part B State Performance Plan (SPP) for 2005-2013**

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**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))

**Measurement:**

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) divided by the (# of youth with an IEP age 16 and above)] times 100.

**Overview of Issue/Description of System or Process**

The largest issue facing Maryland is the involvement of participating agencies. At the State level each of these agencies has referral and participation protocols. These protocols are the basis for verification of the specific measurement concerning “Agency Invitation to IEP Team meetings.” At the local level there are protocols and procedures that supersede the State protocols. Often when following the local protocols the local school systems appear non-compliant. Also local agency representatives do not want to be invited to IEP Team meetings.

**Baseline Data for FFY 2009 (2009-2010)**

	Baseline	Target (Compliance Indicator)
<b>FFY 2009 (2009-2010)</b>	<b>86.1%</b> <b>Of 22,174 IEPs for students age 16 through 21 years of age 19,086 were compliant.</b>	<b>100%</b>

**Discussion of Baseline Data:** There are 24 local school systems in Maryland along with five (5) public agencies that provide secondary transition services to students with IEPs. The data for FFY 2009 is based on 22,174 students with IEPs aged 16 through 21 years of age, **of that number, 19,086 were compliant.**

<b>Number that met 100% Compliance</b>	<b>Number that met 90 – 99% Compliance</b>	<b>Number that met 80 – 89% Compliance</b>	<b>Number that met 70 – 79% Compliance</b>	<b>Number under 69% Compliance</b>
15	6	2	1	5

Of the five districts demonstrating less than 65 % compliance with the indicator, the lowest rate of compliance was 34 %. The Indicator sub-measurements with the least compliance were:

- Evidence that the postsecondary goals were based on age appropriate transition assessments. 49% compliance; and
- Evidence that a representative of any participating agency was invited to the IEP Team meeting. 73% compliance.

The primary focus for Improvement activities for FFY 2010 will be to direct efforts specifically at the aforementioned two areas.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2010 (2010-2011)</b>	<b>100%</b> 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.

FFY	Measurable and Rigorous Target
<p><b>2011 (2011-2012)</b></p>	<p><b>100%</b> 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.</p>
<p><b>2012 (2012-2013)</b></p>	<p><b>100%</b> 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.</p>

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable)**

In the case of recurring noncompliance, timely correction is required as soon as possible. When the MSDE, DSE/EIS re-issues a written finding that noncompliance continues to exist, the corrective action plan (CAP) is revised to address the root cause of the recurring noncompliance and strategies to address the root cause(s) that result in correction as soon as possible. During the duration of the corrective action or implementation of the CAP, and prior to its completion, MSDE, DSE/EIS will require the LSS/PA to implement specific actions including a review of records to determine if correction of noncompliance has been achieved.

The procedure to confirm correction is the same as is used for all correction of noncompliance. The LSS/PA continues to correct noncompliance where the noncompliance was identified during subsequent reviews that determined correction had not yet occurred and reviews updated records for compliance. This data is submitted to the MSDE. When the data demonstrates correction, the MSDE verifies correction using a 2 prong verification procedures:

1. Verify that the LSS/PA has corrected each individual case of noncompliance; and,
2. Verify that the LSS/PA is correctly implementing the specific State or regulatory requirements based on the State’s review of updated data.

Verification of correction of continuing noncompliance are conducted as soon as possible and include the review of policies and procedures, student records, other related documentation, as appropriate to secondary transition. Verification procedures must demonstrate the LSS/PA is properly implementing the regulatory requirement(s) at the level of 100% during the review of both prongs to be considered compliant.

1. Number of remaining FFY 2007 findings noted in OSEP's June 2010 FFY 2008 APR response table for this indicator	1
2. Number of remaining FFY 2007 findings the State has verified as corrected	0
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	1

The MSDE has assigned a consultant to meet with the school system to review updated data and results of corrective action plan activities. The revised corrective action plan includes staff development on the revised requirements for Indicator 13 in the LSS by the MSDE secondary transition specialist using resources from the National Secondary Transition Technical Assistance Center (NSTTAC). Oversight was provided as LSS assistant supervisors for compliance provided additional re-training and support for schools when periodic monitoring of data demonstrated persistent noncompliance. Middle and high school special education chairpersons were trained to monitor the new Indicator 13 requirements, as well as monitor transition plans. Corrective actions also resulted in an Indicator 13 Noncompliance Report presented by the Deputy Superintendent in the LSS to the Executive Cabinet.

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (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
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

In order to address the failure to correct the noncompliance, MSDE continues to implement the Enhanced Monitoring for Continuous Improvement and Results process. The corrective action plan is revised and the MSDE secondary transition specialist conducts staff development on the revised requirements for Indicator 13 using resources from the National Secondary Transition Technical Assistance Center (NSTTAC). The school system has also implemented an internal system of accountability and self-review that involves ongoing review and correction by school system support staff. When the data show correction, the MSDE will implement its 2 prong verification procedure, as described above. Data shows improvement; however the compliance target of 100% has not been met.

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

Statement from the Response Table	State’s Response
<p>The State must report, in its FFY 2009 APR due February 1, 2011, 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.</p>	<p>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.</p>
<p>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 2009 APR, due February 1, 2011, that the remaining one uncorrected noncompliance finding was corrected.</p>	<p>Uncorrected noncompliance from FFY 2006 is in the local school system that is under the consent decree. 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.</p>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:**

There are 24 local school systems in Maryland along with five (5) public agencies. The data for FFY 2009 is based on 22,174 students with IEPs. Maryland experienced a slippage of 8.9% from 95% to 86.1%. The slippage was in two sub-measurements for the indicator:

- Evidence that the postsecondary goals were based on age appropriate transition assessments. 49% compliance.
- Evidence that a representative of any participating agency was invited to the IEP Team meeting. 73% compliance.

Based on a desk-audit of the State’s annual Indicator 13 data, there were 13 LSS/PAs with findings of noncompliance and two through dispute resolution. All were corrected and verified through the MSDE’s 2 prong verification procedures. Knowledge of the requirements that were most often problematic to the LSS/PAs, the State was able to provide targeted assistance. Updated data demonstrates progress.

**Improvement Activities Completed:**

- Two Local School Systems used discretionary grant monies to hire consultants to work with the lead transition coordinator to review IEPs for compliance. The consultant provided focused professional development in specific measurements. The NSTTAC Indicator 13 Checklist was used to review IEPs and plan the professional development.
- NSTTAC staff presented on Measurement Requirements of Indicator 13 at the 2009 Maryland State Special Education Leadership Conference.
- NSTTAC staff provided an update at the 2010 Leadership conference.

Improvement Activities/Timelines/Resources through 2012:

Improvement Activity	Timeline	Resources
Conduct quarterly meeting with lead transition coordinators. The purpose of the meeting is to provide updates on Indicator 13, updates on agency linkage, and sharing of information from other MSDE Divisions on activities related to transition.	Ongoing through June 30, 2013	DSE/EIS and other MSDE Divisions, Participating Agencies, LSS Transition Coordinators
Compiled and distributed the Indicator 13 Resource Guide developed by NSTTAC.	Ongoing through June 30, 2013	DSE/EIS and LSS Transition Coordinators
The Maryland Transition Planning Guide, introduced in March 2010 is for use by students and families. It provides information on graduation requirements, services from participating agencies, entitlement vs. eligibility, and application process.  <b>REVISED</b>	Annually through June 30, 2013	DSE/EIS
MSDE developed a power point presentation on Indicator 13 compliance for use by LSSs during professional development activities.  <b>REVISED</b>	Annually through June 30, 2013	DSE/EIS, NSTTAC
The Division of Special Education/Early Intervention Services continues to collaborate with the Division of Career and College Readiness on the Career Development Framework.  <b>REVISED</b>	Annually through June 30, 2013	DSE/EIS, CCR, LSS, and MHEC
Provide Professional Development and Technical Assistance to LSSs on Indicator 13.	Ongoing through June 30, 2013	DSE/EIS Transition Specialist and the Quality Assurance and Monitoring Branch

**Part B State Annual Performance Report (APR) for FFY 2009**

**Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Effective General Supervision / Effective Transition**

**Indicator 14:** Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:

- a. Enrolled in higher education within one year of leaving school.
- b. Enrolled in higher education or competitively employed within one year of leaving high school.
- c. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

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

**Measurement:**

- A. Percent enrolled in higher education [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (#of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.
- B. Percent enrolled in higher education or competitively employed within one year of leaving high school + [( # of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in high education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.
- C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment + [( # of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who were no longer in secondary school and had IEPs at the time they left school)] times 100.



FFY	Measurable and Rigorous Target
<p><b>2010</b> <b>(2010-2011)</b></p>	<p>A = 50% enrolled in higher education</p> <p>B = 73% enrolled in higher education or competitively employed</p> <p>C = 82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment</p>
<p><b>2011</b> <b>(2011-2012)</b></p>	<p>A = 50% enrolled in higher education</p> <p>B = 73% enrolled in higher education or competitively employed</p> <p>C = 82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment</p>
<p><b>2012</b> <b>(2012-2013)</b></p>	<p>A = 50% enrolled in higher education</p> <p>B = 73% enrolled in higher education or competitively employed</p> <p>C = 82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment</p>

**Overview of Issues/Description of System or Process:**

Maryland gathered census data. An administrative record exchange was used for data collection. The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), Division of Career and College Readiness (DCCR), The Division of Accountability and Assessment (DAA), The University of Baltimore, The State Department of Labor Licensing and Regulations (DLLR), the Developmental Disabilities Administration (DDA), and the National Student Clearinghouse (NSC) collaborated to gather the data for this report.

- DLLR provided data on the youth who were competitively employed.
- NSC provided data on the youth who have been enrolled for at least one term in higher education anywhere within the United States.
- DDA provided data on the number of youth served by the Governor's Transitioning Youth Initiative. These youth are participating in individual community based supported employment, community based enclave employment, employment training that utilizes sheltered employment and workshop training.

The University of Baltimore, under a contract with the MSDE, gathered data from the DLLR. The University gathered data on all youth who exited school and who were:

- Competitively employed on a full or part-time basis within the geographic region that includes Maryland, Pennsylvania, Delaware, Virginia, and West Virginia.

## SPP Template – Part B (4)

MARYLAND  
State

The National Student Clearinghouse, under a contract with MSDE, gathered data on the youth enrolled in postsecondary education nationwide.

Data was collected using the MSDE Unique Student Identification Number. The data is disaggregated by school district, sex, and disability. The data from the DDA was the actual number of students who were determined eligible for services from DDA.

Data was collected on youth who exited during school year 2008 – 2009. These leavers are youth who left school by graduating with a regular high school diploma, exiting with a Maryland Certificate of Program Completion, aging out, left school early (i.e. dropped out).

### Response Rate:

Number of leavers in the State during school year 2008 - 2009	6,562
Number of youth for whom data was exchanged	5,343
Response Rate	82%*

\*The response rate does not include youth who may be employed outside of the geographic region described above. It also does not include youth who are taking non-credit college courses or auditing college courses.

### Baseline and Calculations

Maryland used the calculation formula developed by the National Post-School Outcome Center. Each respondent has been counted in only one category and only in the highest appropriate category. The chart shows the numerators for the calculation. The baseline data was collected utilizing an Administrative Record Exchange. 5,343 young adults were found to be engaged in postsecondary activities:

1	# of respondent leavers enrolled in higher education	3242
2	# of respondent leavers in competitive employment	1516
3	# of respondent leavers enrolled in some other postsecondary education or training	399
4	# of respondent leavers in some other employment	186

The individual formulas used to calculate the measurement percentages are as follows:

A = 1 divided by total Respondents

B = 1 + 2 divided by total respondents

C = 1 + 2 + 3 + 4 divided by total respondents

Measurement	Percentage
A. Percent enrolled in higher education [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (#of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.	49.40%
B. Percent enrolled in higher education or competitively employed within one year of leaving high school + [( # of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in high education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.	72.61%
C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment + [( # of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who were no longer in secondary school and had IEPs at the time they left school)] times 100.	81.42%

**Discussion of Baseline Data:**

**Disability Representation:**

Disability	Target Leaver Representation	Engaged	% of Leavers
Intellectual Disability	493	450	91.27%
Specific Learning Disability	3044	2852	93.69%
Emotional Disability	1105	403	36.47%
Other Health Impaired	1033	965	93.41%
All Other Disabilities	878	673	76.65%

**Statewide Postsecondary Employment Data By Gender:**

Gender	Number
Male	998
Female	518
Total	1516

**By Disability**

<b>Disability</b>	<b>Number Youth Employed</b>
Specific Learning Disability	988
Emotional Disability	124
Autism	28
Intellectual Disability	14
Other Health Impairment	290
Visually Impaired	4
Hearing Impaired	5
Speech/Language Disability	48
Orthopedic Impairment	3
Multiple disabilities	11
Traumatic Brain Injury	1
<b>Total</b>	<b>1516</b>

**Statewide Postsecondary Education Data By Gender:**

<b>Gender</b>	<b>Number</b>
Male	2065
Female	1177
<b>Total</b>	<b>3242</b>

**By Disability**

<b>Disability</b>	<b>Number Youth Enrolled</b>
Intellectual Disability	38
Hearing Impaired	25
Deaf	18
Speech/Language Disability	228
Visual Impairment	41
Emotional Disability	279
Orthopedic Impairment	13
Other Health Impairment	675
Specific Learning Disability	1848
Multiple-disabilities	39
Deaf-Blindness	2
Traumatic Brain Injury	26
Autism	192
<b>Total</b>	<b>3242</b>

**Other Postsecondary Employment and/or Training**

Apprenticeships	16
DDA Supported Employment	569
<b>Total</b>	<b>585</b>

Type of Activity	Number Youth Enrolled
Training for Supported Employment	399
Supported Employment	170
Apprenticeship	16

**Not Engaged:**

Maryland is not able to report an exact number of not engaged youth. This is due to the method used to gather the data. Maryland gathered census data. An administrative record exchange was used for data collection. The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS), Division of Career and College Readiness (DCCR), The Division of Accountability and Assessment (DAA), The University of Baltimore, The State Department of Labor Licensing and Regulations (DLLR), the Developmental Disabilities Administration (DDA), and the National Student Clearinghouse (NSC) collaborated to gather the data for this report.

- DLLR provided data on the youth who were competitively employed.
- NSC provided data on the youth who have been enrolled for at least one term in higher education anywhere within the United States.
- DDA provided data on the number of youth served by the Governor's Transitioning Youth Initiative. These youth are participating in individual community based supported employment, community based enclave employment, employment training that utilizes sheltered employment and workshop training.

Maryland was not able to gather data on 1,219 youth who exited during the 2008-2009 school year. This is 18% of all youth who exited during that school year. These youth may not be engaged in any meaningful activity, or may be living and working in a state outside of the DLLR catchment region, or taking non-credit college courses, or auditing college courses.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 [If applicable]**

In examining the Indicator 14 data, MSDE identified two major areas that need improvement. First, although 82% of the youth who exited were identified as being engaged, data was not captured on 18%. MSDE needs to identify the students who are truly not engaged.

Second, the outcomes for youth from two disability groups are very low. Students with emotional disabilities or intellectual disabilities are underrepresented in the group who are engaged in meaningful post-school activities. Only 36% of youth with emotional disabilities who exited in 2008-2009 were engaged. Youth with Intellectual disabilities who exited school during 2008-2009, based upon the data, did not see postsecondary education as an option. Only 7% enrolled in postsecondary education. Based on these findings MSDE identified the following improvement activities.

Improvement Activity	Timeline	Resources
<p>To improve the number of youth with intellectual disabilities, the MSDE will collaborate with the Maryland Department of Disabilities (MD-DOD), The Interagency Transition Council (ITC), The Maryland High Education Council(MHEC) to improve the distribution of information on available postsecondary education opportunities:</p> <ol style="list-style-type: none"> <li>1. A fact sheet will be developed on available postsecondary educational opportunities</li> <li>2. Professional development will be provided to transition coordinators on postsecondary education opportunities</li> <li>3. Representatives from postsecondary education institutions will be invited to present at transition information sharing activities.</li> </ol>	<p>Spring, 2011</p> <p>Beginning in September, 2011 and ongoing through June 30, 2013</p> <p>Beginning in September, 2011 and ongoing through June 30, 2013</p>	<p>MD-DOD in partnership with MSDE</p> <p>MSDE and local school systems</p> <p>Local Community Colleges and Local school systems</p>
<p>To improve the number of youth with emotional disabilities who are engaged in meaningful activities after exiting high school. MSDE will work with the Mental Hygiene Administration (MHA) to improve transition activities that will result in improved outcomes.</p>	<p>Beginning in September, 2011 and ongoing through June 30, 2013</p>	<p>Partnerships with MHA, local school systems, and MSDE in the MHA service regions.</p>
<p>To improve data collection on the youth not captured by the administrative record exchange, MSDE will work with NPSO center through the Intensive Technical Assistance Agreements. Specific strategies will be developed.</p>	<p>During FFY 2011</p>	<p>MSDE and NPSO Center.</p>

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

**Monitoring Priority:** General Supervision, Graduation Rate

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

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

FFY	Measurable and Rigorous Target
<b>FFY 2009 (2009-2010)</b>	85.50% of youth with IEPs will graduate from high school with a diploma.
<b>FFY 2008 (2008-2009)</b>	85.50% of youth with IEPs will graduate from high school with a regular diploma.

In accordance with the Part B Indicator Measurement Table Maryland examined data for the year before the reporting year (2008-2009) and compared the results to the target. In FFY 2008 (2008-2009) Maryland used the Leaver Rate calculation and timeline established by the Department under the Title I of the Elementary and Secondary Education Act (ESEA). See definition on page 22. This also represents the Maryland State Board of Education Annual Measurable Objective established for all students, including students with disabilities. The requirements for a Maryland High School Diploma are applicable to all students, including youth with IEPs.

**Actual Target Data for FFY 2008:** A total of 4116 students with IEPs out of a possible 5876 graduated with a regular diploma. This is a Leaver Graduation Rate of 70.05%. Maryland’s FFY 2008 APR submission of January 29, 2010 reported 3484 of 5145 students with IEPs graduated for a graduation rate of 67.71%. Graduation data and results were updated in the Maryland Report Card by the Division of Accountability and Assessment (DAA) in March 2010 to reflect 3483 of 5181 students with IEPs graduated for a rate of 67.23%. Since the March 2010 update by DAA, additional verification and validation activities resulted in a FFY 2008 (2008-2009) Leaver Graduation Rate of 70.05%. This compares to a Leaver Graduation Rate of 86.66% for regular education students. 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. The data provided for Indicator 1 of the SPP/APR is taken from the Maryland Report Card. The FFY 2008 (2008-2009) 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.

## APR Template – Part B (4)

MARYLAND  
State

The following Leaver Rate definition and formula was used by Maryland for determining the FFY 2008 (2008-2009) graduation rate:

**Leaver Rate** = the percent 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. Additional Information may be found on the School Improvement in Maryland Website at <http://www.mdk12.org>.

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 HSA 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 additional local school system requirements.

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008 (2008-2009)

The data that are 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

In FFY 2008 (2008-2009), based upon the Leaver Rate of Graduation, Maryland experiences a slippage in the graduation of students with IEPs of 2.80% over the previous year (72.85%). Three (3) local school systems exceeded the State graduation Annual Measurable Objective (AMO) of 85.5%. One (1) local school system demonstrated an 88.15% graduation rate. The other two (2) local school systems exceeded the State ESEA performance standard for graduation of 90% by demonstrating graduation rates of 91.89% and 91.43%, respectively. There was positive movement in 10 local school systems. Fourteen local school systems experienced a slippage in the graduation rate. This is fewer than in the previous year. One local school system has experienced positive growth in the graduation rate every year since 2005.

Specific improvement activities that have been in place in local school systems have resulted in the following:

- Academic support, such as: coaching, after school tutoring, drop-in tutoring, has resulted in the continued improving of the promotion rates of 9<sup>th</sup> grade students.
- Acknowledgement and re-enforcement programs have improved the attendance rate for students with IEPs. The attendance rate has been above 94% since 2006.
- Positive behavior programs have resulted in a decrease in the amount of instructional time lost to suspensions.
- The number of students completing Career and Technical Education (CTE) programs is increasing.

**Actual Target Data for FFY 2009 (SFY 2009-2010):**

Maryland introduced the 4-year and 5-year adjusted cohort rates in FFY 2009 (2009-2010). The 4-year and 5-year adjusted cohort rates become official means of reporting high school graduation rates for all students beginning with the FFY 2010 (2010-2011) data submission, in accordance with a U. S. Department of Education directive. The Maryland State Board of Education is scheduled to establish 4-year and 5-year adjusted cohort rate Annual Measurable Objectives (AMOs) in the spring of 2011.

Leaver Rate	4,378 students with IEPs out of a possible 6,053 graduated with a regular diploma. Please refer to the definition of the Leaver Rate on page 24.	This is a graduation rate of 72.33%
4 Year Adjusted Cohort Rate	3,717 students with IEPs out of a possible 6,996 graduated with a regular diploma. The four-year adjusted graduation cohort consisted of 3685 students with IEPs. Please refer to the definition of the 4-Year Adjusted Cohort Graduation Rate on page 24.	This is a graduation rate of 53.13%
5 Year Adjusted Cohort Rate	4079 students with IEPs out of a possible 6853 graduated with a regular diploma. The five-year adjusted graduation cohort consisted of 521 students with IEPs. Please refer to the definition of the 5-Year Adjusted Cohort Graduation Rate on page 24.	This is a graduation rate of 59.52%

**Adequately Yearly Progress Data**

The data used for determining Adequate Yearly Progress for FFY 2009, as determined by the Maryland State Board of Education, is the Leaver Rate. The performance standard for graduation is 90% to be met by FFY 2013.

**Leaver Rate** = the percent 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. Additional Information may be found on the School Improvement in Maryland Website at <http://www.mdk12.org>.

**Four Year Adjusted Cohort Graduation Rate** = The four year adjusted cohort rate is the number of students who graduate in four years with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class. From the beginning of the 9<sup>th</sup> grade, students who are entering that grade for the first time form a cohort that is subsequently “adjusted” by adding any student who transfer into the cohort later during the 9<sup>th</sup> grade year and the next three years and subtracting out any students who transfer out, emigrate to another county, or die during that same period. This definition is defined in federal regulation 34 C.F.R. §200.19(b)(1)(i)-(iv).

**Five Year Adjusted Cohort Graduation Rate** = The five year adjusted cohort graduation rate is the number of students who graduate in five years with a regular education diploma divided by the number of students who form the adjusted cohort for the graduating class. From the beginning of the 9<sup>th</sup> grade, students who are entering that grade for the first time form a cohort that is subsequently “adjusted” by adding any student who transfer into the cohort later during the 9<sup>th</sup> grade year and the next three years and subtracting out any students who transfer out, emigrate to another county, or die during that same period. This definition is defined in federal regulation 34 C.F.R. §200.19(b)(1)(i)-(iv). The five year graduation rate is calculated by dividing the number of students who graduate in five years or less with a regular high school diploma by the number of students who form the adjusted cohort for that graduating class. Students who drop out of high school remain in the adjusted cohort-that is, the denominator of the graduation rate calculation.

**Adjusted Cohort Graduation Rate Discussion:**

Maryland introduced the 4-year and 5-year adjusted cohort rates in FFY 2009 (2009-2010). The 4-year and 5-year adjusted cohort rates become official means of reporting high school graduation rates for all students beginning with the FFY 2010 (2010-2011) data submission, in accordance with a U. S. Department of Education directive.

The baseline 4-year adjusted cohort rate must be considered in conjunction with the baseline 5-year adjusted cohort rate. Youth with IEPs may not be able to earn a high school diploma in four (4) years of high school, because:

- Of inconsistent high school credit requirements among local school systems (Please refer to credit requirements on page 22); or
- Youth perceive that they will be unable to complete the required high school course credits; or
- Youth perceive they are unable to pass the required high school assessments or complete the Bridge Projects required for graduation with a regular high school diploma; or
- Youth report they wish to leave high school to pursue external diploma programs with age appropriate peers.

By remaining in public school for additional time, students are able to complete the required course credits and pass the required high school assessments or Bridge Projects in order to obtain a regular high school diploma, however, not with their cohort. Each student’s IEP team is to review and consider the 4-

year, 5-year, or 6-year program option when planning the student's high school program, including his/her course of study and desired post-secondary goals for education and employment, and independent living, if appropriate.

The Maryland State Board of Education is scheduled to establish 4-year and 5-year adjusted cohort rate Annual Measurable Objectives (AMOs) in the spring of 2011. As of January 28, 2011, the Division targets for the required revised SPP that extends the measurable rigorous targets through FFY 2012 are based upon available FFY 2009 4-year and 5-year adjusted cohort rates for students with IEPs. The above targets may be revised in the FFY 2010 SPP/APR submission, due February 1, 2012.

- The use of the Adjusted Cohort Graduation (ACG) rate data will be used to determine adequate yearly progress beginning with FFY 2010. The data was introduced in November of 2010. Training on the use of the data is being conducted now.
- The use of the ACG rate will allow for more accurate reporting of graduates by including students who successfully graduate in five (5) years.
- The four-year adjusted cohort rate for FFY 2009 was 53.13%. There were 15 local school systems that were above the four-year adjusted cohort rate State average.
- The five-year adjusted cohort rate for FFY 2009 was 59.52%. This was an additional 521 students who could be counted as successfully earning a high school diploma.
- There were 15 local school systems that were above the five-year adjusted cohort rate State average.

#### **Discussion of Improvement Activities Completed:**

##### **Maryland School Completion Project**

The intensive collaborative came to a conclusion at the end of the 2009-2010 school year. NDPC-SD continues to provide technical assistance to public schools in Maryland.

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% above the 11.04% increase in FFY 2007. 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.

##### **Program Results:**

North East High School, demonstration school, saw their dropout rate for students with disabilities drop by more than half. The rate dropped from a high of 13.66 % in FFY 2007 to 4.32% in FFY 2009.

North East High School has experienced an increase in the graduation rate from 34.21% to 51.52%.

Administrators and teachers have collaborated to develop a plan of interventions that included the use of the “At Risk Calculator” developed by the NDPC-SD.

Staff from Cecil County Public Schools along with the NDPC-SD have presented at two Maryland Special Education Leadership Conferences on successful research based dropout interventions and the positive impact on graduation rate.

Five school teams from Prince George’s County received intensive professional development that concluded with each school developing school completion plans.

A cadre of school staff from Cecil and Prince George’s counties has been identified to provide technical assistance to other school systems on research based interventions.

**Collaboration with the Division of Rehabilitation Services**

The Division of Special Education/ Early Intervention Services began collaborating with the Division of Rehabilitation Services (DORS) on the development of a referral protocol during FFY 2008. The protocol will ensure that the appropriate students are referred for services. The protocol was disseminated in FFY 2009 and will be reviewed annually.

**Results:**

The Referral Protocol was completed in September, 2009.

LSS staff received professional development on the use of the Protocol.

Both school staff and DORS transition counselors report improved referral process

**Discretionary Grants**

The use of discretionary grants, awarded by the Division, has allowed local school systems to develop and implement interventions, strategies, and programs that lead to improved results for students. These grants have been based on successful practices and research based. Many have incorporated the *Guideposts for Success* as developed by the National Collaborative on Workforce and Disability (NCWD). The following Guideposts were incorporated most often: Work Based Learning and Youth Development Leadership.

There were 16 grants awarded for 2009-2010. There were also 10 grants awarded through a collaboration between MSDE Division of Rehabilitation Services and the Division of Special Education/Early Intervention Services. The ten collaborative grants were for a minimum of 2 years. The collaborative grants are being used to develop seamless transition models. The discretionary grants were used to develop programs to increase school completion, decrease student dropout and prepare students for employment.

**Results / Findings**

The following activities have provided the results described below:

<b>Activity</b>	<b>Result/Finding **</b>
Work based learning	Summer employment Employment after graduation
Mentoring	Students have remained in school
Paid internships	Students have remained in school
Academic Coaching	Students receiving Academic Coaching experience a high promotion rate
Inclusion	Students have successfully developed career

skills in an environment with nondisabled peers.
--

\*\* Data from Indicator 14, beginning with the FFY 2010 APR, will be used to clearly determine the effectiveness of discretionary grants in preparing students for appropriate postsecondary opportunities.

### **Ongoing Improvement Activities Applicable to Indicators 1, 2, 14**

#### **Collaboration with 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 2009, the percentage of seniors who graduated with a Career and Technology Program Completer was 20.4%% as compared to 12.92% in FFY 2008. Acknowledging this increase 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 an annual 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 continues to meet on a regular basis. The emphasis is to share information and strategies that will increase the number of students with IEPs successfully completing a Career and Technology Program.

#### **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 on the recommendation of the review panel, technical assistance is provided to the local school systems 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.

#### **Discretionary Grants**

# APR Template – Part B (4)

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.

## Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

Improvement Activity	Timelines	Resources	Justification
<p>Collaborate with the Developmental Disabilities Administration (DDA) in the development of their Employment First Program. LSSs will develop instructional programs that better prepare students for employment.</p> <p><b>NEW</b></p>	<p>July 1, 2010 and ongoing through June 30, 2013</p>	<p>DSE/EIS Staff, DDA Staff, Other service providers</p>	<p>This program is intended to improve the outcomes of students with developmental disabilities. Employment will become the first consideration when the Individual's program plan is developed.</p>
<p>A cadre of professionals from local school systems is providing technical assistance and professional development. This is peer to peer assistance based on proven strategies and interventions.</p> <p><b>REVISED</b></p>	<p>July 1, 2010 and ongoing through June 30, 2013</p>	<p>DSE/EIS staff NDPC-SD  LSS Personnel</p>	<p>Technical assistance and professional development from one local school system to another that is based on proven success will be most effective.</p>

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

**Monitoring Priority:** General Supervision – Dropout Prevention

**Indicator 2:** Percent of Youth with IEPs Dropping out of school.

(20U.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
FFY 2009	The dropout rate of students with IEPs will be 3.54% or less.
FFY 2009 Using FFY 2008 Data (2008-2009)	The dropout rate for all students, including students with IEPs will be 3.54% or less.

In accordance with the Part B Indicator Measurement Table Maryland examined data for the year before the reporting year (2008-2009) and compared the results to the target. Maryland uses the dropout rate calculation and timeline established by the Department under the Title I of the Elementary and Secondary Education Act (ESEA). This also represents the Maryland State Board of Education Annual Measurable Objective established for all students, including students with disabilities.

**Actual Target Data for FFY 2009:** 4.41%

**Actual Target Data for FFY 2009 (using FFY 2008 data):** 4.31%

**Discussion of FFY 2009 Data:** A total of 1385 students with IEPs dropped out of high school, grade 9 through 12. It was reported in the Maryland Report Card that 31,391 students with IEPs attended high school in 2009. This is a dropout rate of 4.41%. The data provided for Indicator 2 is taken from the Maryland Report Card. This is the official reporting source for Maryland Public Schools. The Maryland Report card can be found at <http://mdreportcard.org>

**Discussion of FFY 2008 Data:** In FFY 2008, 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. **The data reported on the Maryland Report Card website is collected from Local School Systems (LSS) by the Division of Accountability and Assessment (DAA). LSS have the opportunity to amend the data after DAA posts it on the Maryland Report Card website. The data that appears on the Maryland Report Card website may change due to the data being amended by LSS.** Data and results

## APR Template – Part B (4)

MARYLAND

State

presented here are current as of March 2010 and reflective of updates and changes following the January 2010 submission of the **FFY 2008** Annual Performance Report (APR). The official reporting source for Maryland Public Schools is The Maryland Report card that can be found at <http://mdreportcard.org>

In accordance with the Code of Maryland Regulations (COMAR) 13A.08.01.07, Maryland defines a dropout rate 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. 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. Maryland did not meet the annual measurable objective of 3.54% established by the Maryland State Board of Education. Youth with IEPs had a dropout rate of 4.41%. However, there were many local school districts where improvement occurred:

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FY2009:

Data Trends	FFY 2008	FFY 2009
	Number of LSS	Number of LSS
Increase in dropout rate	7	3
Decrease in dropout rate	12	17
No Dropouts	2	1*
Dropout Rate at or below the State AMO	12	13

\*This is the second year in a row for this local school system.

The following activities in the area of Career and Technology Education (CTE) have result in improved school completion for students with IEPs:

In FFY 2009, the percentage of seniors with IEPs who graduated with a Career and Technology Program Completer was 20.4%. This was an increase of 8% over FFY 2008.

One school system has blended CTE and special education funding to develop an employment preparation program. The program includes preparation for the National Safety Certification test. The first students enrolled in the 2009-2010 school year.

Professional development in the area of differentiated instruction continues for Career and Technology teachers.

### Discussion of Improvement Activities Completed:

#### Maryland School Completion Project

The intensive collaborative came to a conclusion at the end of the 2009-2010 school year. NDPC-SD continues to provide technical assistance to public schools in Maryland.



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% from FFY 2007. 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 Division of Special Education/Early Intervention Services Leadership Conference in September 2009. 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.

### **Cecil County Program Results:**

North East High School, demonstration school, saw their dropout rate for students with disabilities drop by more than half. The rate dropped from a high of 13.66 % in FFY 2007 to 4.32% in FFY 2009.

North East High School has experienced an increase in the graduation rate from 34.21% in FFY 2007 to 51.52% in FFY 2009.

Administrators and teachers have collaborated to develop a plan of interventions that included the use of the "At Risk Calculator" developed by the NDPC-SD.

Staff from Cecil County Public Schools along with the NDPC-SD have presented at two Maryland Special Education Leadership Conferences on successful research based dropout interventions and the impact on graduation.

Five school teams from Prince George's County received intensive professional development that concluded with each school developing school completion plans.

A cadre of school staff from Cecil and Prince George's counties has been identified to provide technical assistance to other school systems on research based interventions.

### **Discretionary Grants**

The use of discretionary grants, awarded by the Division, has allowed local school systems to develop and implement interventions, strategies, and programs that lead to improved results for students. These grants have been based on successful researched based practices. Many have incorporated the Guideposts for Success as developed by the National Collaborative on Workforce and Disability (NCWD). The following Guideposts were incorporated most often: Work Based Learning and Youth development / Leadership.

There were 16 grants awarded for 2009-2010. There were also ten grants awarded through a collaboration between MSDE Division of Rehabilitation Services and the Division of Special Education/Early Intervention Services. The ten collaborative grants were for a minimum of two years. The collaborative grants are being used to develop seamless transition models. The discretionary grants were used to develop programs to increase school completion, decrease dropping out and prepare students for employment.

### **Results / Findings**

The following grant funded activities have produced the results described below:

Activity	Result/Finding **
Work based learning	Summer employment Employment after graduation
Mentoring	Students have remained in school
Paid internships	Students have remained in school
Academic Coaching	Students receiving the coach experience a high promotion rate
Inclusion	Students have successfully developed career skills in an environment with non disabled peers.

\*\*Data from Indicator 14, beginning with the FFY 2010 APR, will be used to better judge the effectiveness of discretionary grants in preparing students for appropriate postsecondary outcomes.

In FFY 2008 Maryland did not meet the interim target of 3.54% established by the Maryland State Board of Education. Youth with IEPs had a dropout rate of 5.08%, a decrease of 0.70% from FFY 2007. There were seven local school systems out of 24 that had an increase in the dropout rate. The largest increase was 2.15%. For the second year in a row, two school systems did not have any students with IEPs drop out. Twelve school systems had a dropout rate that met or exceeded the state target.

The following activities have led to increasing the number of students with IEPs completing their education.

- 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.

The ongoing Improvement Activities described in Indicator 1 are applicable to Indicators 1, 2, 3, and 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 related to 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 by local school systems when identifying students for interventions by local school systems.

# APR Template – Part B (4)

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010:

Improvement Activity	Timelines	Resources	Justification
<p>Collaborate with the Developmental Disabilities Administration (DDA) in the development of their Employment First Program. LSS will develop instructional programs that better prepare students for employment.</p> <p><b>NEW</b></p>	<p>July 1, 2010 and ongoing through June 30, 2013</p>	<p>DSE/EIS Staff, DDA Staff, Other service providers</p>	<p>This program is intended to improve the outcomes of students with developmental disabilities. Employment will become the first consideration when the Individual's program plan is developed.</p>
<p>A cadre of professionals from local school systems is providing technical assistance and professional development. This is peer to peer assistance utilizes proven strategies and interventions.</p> <p><b>REVISED</b></p>	<p>July 1, 2010 and ongoing through June 30, 2013</p>	<p>DSE/EIS staff NDPC-SD LSS Personnel</p>	<p>Technical assistance and professional development from one local school system to another that is based on proven success will be most effective.</p>

## Part B State Annual Performance Report (APR) for FFY 2009

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

<b>Monitoring Priority: FAPE in the LRE</b>
---

**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))

<b>Measurement:</b>
---------------------

<p>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.</p>
--

<p>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.</p>
---

<p>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)].</p>
---

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.

FFY	Measurable and Rigorous Target																											
<p><b>FFY 2009 (2009-2010)</b></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="618 537 1278 911"> <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</td> <td></td> <td>65.83%</td> </tr> <tr> <td>12</td> <td>56.11%</td> <td></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		65.83%	12	56.11%	
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		65.83%																										
12	56.11%																											
<p><b>FFY 2010 (2010-1011)</b></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 1146 1278 1518"> <thead> <tr> <th>Grade</th> <th>Mathematics AMO</th> <th>Reading AMO</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>80.87%</td> <td>78.18%</td> </tr> <tr> <td>4</td> <td>80.76%</td> <td>84.60%</td> </tr> <tr> <td>5</td> <td>76.51%</td> <td>80.91%</td> </tr> <tr> <td>6</td> <td>72.48%</td> <td>82.00%</td> </tr> <tr> <td>7</td> <td>71.32%</td> <td>81.00%</td> </tr> <tr> <td>8</td> <td>70.55%</td> <td>79.27%</td> </tr> <tr> <td>10</td> <td></td> <td>72.67%</td> </tr> <tr> <td>12</td> <td>64.89%</td> <td></td> </tr> </tbody> </table>	Grade	Mathematics AMO	Reading AMO	3	80.87%	78.18%	4	80.76%	84.60%	5	76.51%	80.91%	6	72.48%	82.00%	7	71.32%	81.00%	8	70.55%	79.27%	10		72.67%	12	64.89%	
Grade	Mathematics AMO	Reading AMO																										
3	80.87%	78.18%																										
4	80.76%	84.60%																										
5	76.51%	80.91%																										
6	72.48%	82.00%																										
7	71.32%	81.00%																										
8	70.55%	79.27%																										
10		72.67%																										
12	64.89%																											

<b>FFY 2011 (2011-2012)</b>	A. 50% of the State's local school systems will meet AYP for the subgroup of students with disabilities.		
	B. 95% of students with disabilities will participate in the Statewide assessment system.		
	C. Student with disabilities will meet the content area AMO as follows:		
	<b>Grade</b>	<b>Mathematics AMO</b>	<b>Reading AMO</b>
	3	85.65%	83.64%
	4	85.57%	88.45%
	5	82.38%	85.68%
	6	79.36%	86.50%
	7	78.49%	85.75%
	8	77.91%	84.45%
10		79.50%	
12	73.67%		

**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 2009:** 24% (6 of 25<sup>1</sup> local school systems) Target of 50% Not Met.

**3A. 24% or six (6) out of 25 local school systems met AYP objectives for progress for students with disabilities during 2009-2010.**

For all students, including students with disabilities, all of Maryland's 25 local school systems met the minimum “N” subgroup size of  $\geq 5$ .

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 for at-risk students. This school operates as a local school system and increases the local school systems in Maryland from 24 to 25.

<b>Fiscal Year</b>	<b>Met AYP for Students With Disabilities in Mathematics</b>	<b>Met AYP for Students With Disabilities In Reading</b>	<b>Met AYP for Students With Disabilities in Both Mathematics and Reading</b>
<b>2009-2010</b>	9 of 25 districts 36%	8 of 25 districts 32%	6 of 25 districts 24%
<b>2008-2009<sup>1</sup></b>	5 of 25 districts 20%	7 of 25 districts 28%	5 of 25 districts 20%
<b>2007-2008</b>	11 of 24 districts 46%	11 of 24 districts 46%	9 of 24 districts 38%
<b>2006-2007</b>	12 of 24 districts 50%	9 of 24 districts 38%	9 of 24 districts 38%
<b>2005-2006</b>	14 of 24 districts 58%	5 of 24 districts 21%	5 of 24 districts 21%
<b>2004-2005</b>	9 of 24 districts 38%	10 of 24 districts 42%	7 of 24 districts 29%

<sup>1</sup> 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

**3.B – Actual Participation Target Data for FFY 2009:** Participation – 99.17% for Math; and 99.22% for Reading. Targets Met.

The FFY 2009 participation rate was > 95% for each assessed grade, in each content area. The participation rate for mathematics is 99.17%  $[(5674+7581+7702+7761+7541+7206+7146=51871/52346) * 100$  and exceeded the State target of 95%. The percentage of children with IEPs for mathematics is 11.92%  $[(7019+7622+7741+7785+7646+7321+7212=52346) / 428829] * 100$  (428829 represents the total number of all students in assessed grades).

The participation rate for reading is 99.22%  $[(6979+7593+7714+7752+7552+7217+6841=51648 / 52048) * 100$  and exceeded the State target of 95%. The percentage of children with IEPs in reading is 12.05%  $[(7023-7629+7747+7789+7642+7315+6903) = 52048 / 431769 * 100]$  (431769 represents the total number of all students in assessed grades) Maryland has again exceeded the target set for Indicator 3B.

It should be noted that a difference exists in the number of students identified as having an IEP for Mathematics and for Reading. This difference occurs at the high school level where the Mathematics and Reading assessments are actual end-of-course assessments for the subjects English 10 and Algebra, respectively. The data for high school is collected at the end of 12<sup>th</sup> grade for students. Within our approved program, the time between the 8<sup>th</sup> grade and high school assessments can be as many as three to five years, during which time the Special Education status of students' can change.

Below are FFY 2009 data tables for mathematics and reading participation.

Statewide Assessment 2009– 2010		Mathematics Assessment								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC	Total	
									#	%
a.	Children with IEPs	7019	7622	7741	7785	7646	7321	7212	52346	12.2%
b.	IEPs in Regular Assessment with No Accommodations	1319	1086	899	748	648	644	2156	7500	14.3%
c.	IEPs in Regular Assessment with Accommodations	4191	4608	4809	4862	4382	3968	1673	28493	54.4%
d.	IEPs in Alternate Assessment against Grade-level Standards	968	1305	1438	1477	1774	1948	2352	11262	21.5%
e.	IEPs in Alternate Assessment against Alternate Standards	496	582	556	634	737	646	965	4616	8.8%
f.	Overall (b+c+d+e) Participation and Percentage	6974 99.36%	7581 99.46%	7702 99.49%	7721 99.18%	7541 98.63%	7206 98.43%	7146 99.08%	<b>51871</b>	<b>99.17%</b>
Children included in 'a' but not included in the other counts above.										
<b>Non-participants</b>		45	41	39	64	105	115	66	475	

Statewide Assessment 2009–2010		Reading Assessment								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EoC	Total	
									#	%
a.	Children with IEPs	7023	7629	7747	7789	7642	7315	6903	52048	12.05%
b.	IEPs in Regular Assessment with No Accommodations	1325	1116	940	804	723	648	1767	7323	14.1%
c.	IEPs in Regular Assessment with Accommodations	4095	4555	4756	4958	4382	3951	1591	28288	54.3%
d.	IEPs in Alternate Assessment against Grade-level Standards	1063	1340	1462	1356	1710	1972	2518	11421	21.9%
e.	IEPs in Alternate Assessment against Alternate Standards	496	582	556	634	737	646	965	4616	8.9%
f.	Overall (b+c+d+e) Participation and Percentage	6979 99.37%	7593 99.53%	7714 99.57%	7752 99.52%	7552 98.82%	7217 98.66%	6841 99.10%	<b>51648</b>	<b>99.23%</b>
Children included in 'a' but not included in the other counts above.										
<b>Non-participants</b>		44	36	33	37	90	98	62	400	

**3.C – Actual Performance Target Data for FFY 2009**

Although Maryland did not meet the target for the special education subgroup in all grades for mathematics and reading, the following progress was seen: progress was made in all grades for mathematics except for grade 8 and High School; progress was made in all grades for reading except for grades 3, 4, 5, and High School.

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 2009 is 52.45% [(4453+5231+4486+3953+3486+2554+3295 = 27458) / 52346] \* 100.

In reading, the proficiency rate observed for FFY 2009 is 60.29% [(4686+5197\_5510+4783+4038+3943+3223 = 31380) /52048] \* 100

It should be noted that a difference exists in the number of students identified as having an IEP for Mathematics and for Reading. This difference occurs at the high school level where the Mathematics and Reading assessments are actual end-of-course assessments for the subjects English 10 and Algebra, respectively. The data for high school is collected at the end of 12<sup>th</sup> grade for students. Within our approved program, the time between the 8<sup>th</sup> grade and high school assessments can be as many as three to five years, during which time the Special Education status of students' can change.



# APR Template – Part B (4)

MARYLAND  
State

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

Statewide Assessment FFY 2008 2009–2010		Mathematics Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC	Total #	
									#	%
a.	Children with IEPs	7019	7622	7741	7785	7646	7321	7212	52346	12.2%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	3674	4213	3470	3027	2235	1590	1970	20179	56.06%
	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	362	517	543	410	664	429	553	3478	30.88%
e.	IEPs in Alternate Assessment against Alternate Standards	417	501	473	516	587	535	772	3801	82.34%
f.	Overall (b+c+d+e) Proficiency Percentage	4453 63.44%	5231 68.63%	4486 57.95%	3953 50.78%	3486 45.59%	2554 34.89%	3295 45.69%	<b>27458</b>	<b>52.45%</b>
Children included in "a" but not included in the other counts above.										
Non-participants		45	41	39	64	105	115	66	<b>475</b>	

Statewide Assessment FFY 2007 2009–2010		Reading Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EoC	Total #	
									#	%
a.	Children with IEPs	7023	7629	7747	7789	7642	7315	6903	52048	12.05%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	3839	4148	4440	3646	2866	2481	1599	23019	64.64%
	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	403	526	566	593	532	891	800	4311	37.75%
e.	IEPs in Alternate Assessment against Alternate Standards	444	523	504	544	640	571	824	4050	87.74%
f.	Overall (b+c+d+e) Proficiency Percentage	4686 66.72%	5197 68.12%	5510 71.12%	4783 61.41%	4038 52.84%	3943 53.90%	3223 46.69%	<b>31380</b>	<b>60.29%</b>
Children included in "a" but not included in the other counts above.										
Non-participants		44	36	33	37	90	98	62	<b>400</b>	

FFY 2004 through FFY 2009  
Proficiency Percentages

Grade Level	Mathematics							Reading						
	Base line FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	Target FFY 2009	Actual Data FFY 2009	Base line FFY 2004	FFY 2005	FFY 2006	FFY 2007	FFY 2008	Target FFY 2009	Actual Data FFY 2009
3	51.2	53.0	54.97	60.27	58.13	76.09	63.44 <sup>4</sup>	52.7	57.5	54.97	63.33	68.65	72.73	66.72 <sup>↑</sup>
4	48.8	54.9	62.63	66.85	66.90	75.59	68.63 <sup>↑</sup>	57.1	58.5	62.63	72.23	69.39	80.75	68.12 <sup>↑</sup>
5	38.8	41.9	51.59	52.52	53.35	70.64	57.95 <sup>↑</sup>	46.6	48.9	51.59	67.51	73.29	76.14	71.12 <sup>↑</sup>
6	25.7	30.9	40.46	44.51	46.39	65.60	50.78 <sup>↑</sup>	36.1	36.9	40.46	51.24	57.10	77.50	61.41 <sup>↑</sup>
7	22.6	26.6	30.58	35.23	43.12	64.15	45.59 <sup>↑</sup>	32.2	36.3	30.58	49.48	52.72	76.25	52.84 <sup>↑</sup>
8	21.7	23.3	27.22	29.51	35.13	63.18	34.89 <sup>↑</sup>	31.3	30.8	27.22	38.81	50.35	74.09	53.90 <sup>↑</sup>
Grade 10/ EOC	23.4 Algebra/Data Analysis	31.0	37.33	49.95	47.46	56.11	45.69 <sup>↑</sup>	22.3 English	26.1	37.33	45.91	48.16	65.83	46.69 <sup>↑</sup>

<sup>4</sup> Arrows indicate growth over the baseline year’s performance by grade level for students with disabilities. The table compares six (6) 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 2009:**

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

**Indicator 3A**

Maryland did not meet its target for Indicator 3A in FFY 2009. The goal of Indicator 3A is to increase the number of local school systems making AYP to the target of 50%. Results showed that 24% (six (6) of 25 local school systems) met AYP in special education for both reading and math for the special education subgroup. In addition, nine (9) of 25 districts (36%) met AYP for mathematics (up from 20% in FFY 2008) and eight (8) of 25 districts (32%) met AYP for reading (up from 28% in FFY 2008); 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 five (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 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 discretionary grants that support evidence-based practices and support local school systems to accelerate academic performance of the special education subgroup. To improve the achievement of students with disabilities, through Maryland’s State Personnel

Development Grant, 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.

Currently seven (7) local schools systems and 25 schools currently participate in the Co-Teaching Network Cohort. The systems were identified based on the interest of each of the Local School System's Assistant State Superintendent for Instruction in collaboration with the Director of Special Education. These individuals agreed to participate in a systems change initiative involving co-teaching as a high leverage strategy for addressing the needs of students with disabilities. The schools within the participating school systems were identified based upon their "improvement status" as a collaborative effort to support Maryland's Statewide System of Support-Breakthrough Center. The focus of this cohort group is to build system capacity. MSDE's partnership with Johns Hopkins University, Center for Technology in Education has enabled the DSE/EIS to build online resources that can be made available statewide and will have interactive components.

**Indicator 3B**

The participation of the special education subgroup in statewide assessments continues to exceed the 95% target for all tested grade levels – grades 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 small number of nonparticipants. Maryland does not administer out of grade level assessments. 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, did not make sufficient progress to meet each of Maryland's targets. In Mathematics, every grade level showed progress except for grade 8 and grade 10/Algebra/Data Analysis end-of-course.

In Reading, the proficiency rate of students with IEPs improved in middle school, grades 6, 7, and 8. A slippage of 1 to 2 percentage points occurred in grades 3, 4, 5, and 10. Overall in reading, the special education subgroup did not make sufficient progress to meet each of Maryland's targets. The special education subgroup is making progress in local school systems across the State, as evidenced by the data above for Indicator 3A. However, the rate of improvement is not advancing at the same rate as the increasing Annual Measurable Objectives.

The FFY 2004 Through FFY 2009 Proficiency Percentages table displays the overall percentages of children with IEPs that achieved proficient/advanced, by grade levels and content areas, from FFY 2004 through FFY 2009. 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 2009, Maryland showed a decrease in the number of students who scored at a basic level for the Alt-MSA test takers when compared to last year's Alt-MSA results. In mathematics, 815, or 17.66%, of those students designated to take the Alt Assessment scored at a basic level. This is compared to 1069, or 29.96%, in 2008. In reading, 556, or 12.05%, scored at a basic level as compared to 776, or 16.74%, in 2008. This improvement may be attributed to the Alt-MSA Professional Development Modules released by the MSDE. Through audio, video and narrative text, these modules demonstrate how to select Mastery Objectives for students, create lesson plans and develop assessment tasks for a wide range of grade and functional levels. The four modules include an overview of the Alt-MSA and

alternative assessment strategies, and individual modules are devoted to the content areas of science, reading and mathematics. They provide valuable tools, such as links to downloadable lesson plans, artifacts, templates and other resources that teachers can use to implement the instructional and assessment strategies with their students. MSDE continues to develop and disseminate technical assistance materials to explain the Alt-MSA instruction and assessment process. Specific materials were developed to illustrate errors in artifact submission resulting in condition codes with examples of artifacts with condition codes and examples of exemplar artifacts with detailed explanations. Content Guidance documents were updated and posted on the State's website to reflect issues in content understanding from the previous year's scoring process. The MSDE provided additional professional development on the Alt-MSA reading, mathematics and science content areas 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:

- In 2010, the Department convened an Accommodations Committee consisting of stakeholders from across the State to review and make recommendations for revising the Maryland Accommodations Manual in Fall of 2011. The Division and DAA co-chair this committee. Representatives from the Division and DAA are participants on the Council for Chief State Superintendent Offices (CCSS), Assessing Special Education Students (ASES) Committee; Accommodations Workgroup in reviewing the National Accommodations Manual. Information obtained from the workgroup will be used to assist Maryland in revising the Maryland Accommodations Manual.
- In FFY 2009 Maryland conducted Regional Trainings for local school systems and nonpublic school representatives regarding Mod-MSA and students with disabilities enrolled in grades 3-5. 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.
- Online Alt-MSA Professional Development modules were developed and released in 2009 with updated sections added on including students with the most significant cognitive disabilities. The modules take the best practices of successful alternate assessment teachers and make them accessible to all teachers in the state. Using video, the training introduces real special educators and their students in narrative case studies. Through audio, video and narrative text, these modules demonstrate how to select Mastery Objectives for students, create lesson plans and development assessment tasks for a wide range of grade and functional levels. The four modules include an overview of the Alt-MSA and alternative assessment strategies, and individual modules are devoted to the content areas of science, reading and mathematics. They provide valuable tools, such as links to downloadable lesson plans, artifacts, templates and other resources, that teachers can use to implement the instructional and assessment strategies with their students.
- 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.

- The Division set the stage for standards-based reform during the 2009 Special Education Leadership Conference. Marla Holbrook, National Consultant, was invited to be the guest speaker. She provided special education leadership from across the State with information designed to lay the groundwork for applying standards to the development of IEP goals. Marla Holbrook has since been hired as a consultant with the Division to develop professional development modules for the LSSs to access on the Maryland State website in order to provide a consistent uniformed training on writing standards-based IEPs across the State. She continues to work with the Division on refining the modules as we begin the process of adopting the Common Core Standards. The modules are scheduled for release in Fall 2011.
- Maryland began a pilot of the Maryland IEP Quality Indicator Scale (IQUIS), a rubric designed to evaluate the quality of the IEPs that are written in Maryland. Through the result of the evaluation of Maryland's IEPs, targeted professional development can be geared toward the needs of local school systems, local schools and individual teachers with the goal being to be able to improve the quality of those IEPs and to improve the achievement of students with disabilities. At the end of the pilot program, results from the five (5) participating local school system will be evaluated and trends identified in order for those local school systems to target professional development to areas of need. Revisions to the IQUIS document, based on feedback from pilot participants, will be made in July 2011. The results of the pilot will be shared with all local system directors of special education at the annual Leadership Conference in September 2011 and the revised IQUIS document will be shared at that time.

**Ongoing Improvement Activities**

- Maryland continues to support its systematic co-teaching initiative. 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. 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.
- 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, Maryland continues to provide technical assistance 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.
- The Division continues to monitor IEPs for students who were determined eligible for participation in the administration of the Mod-HSA, Mod-MSA and the Alt-MSA.
- The Division continues to monitor the administration of the Maryland Assessment Program by observing various test administration conditions and environments, test security violations, and the provision of accommodations. This monitoring is a collaborative effort across Divisions in the Department. Accommodations used for student with disabilities in the State of Maryland are evaluated annually through a collaborative process resulting in the revision and reissuance of the Accommodations Manual as required.
- 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 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 Maryland State Curriculum (MSC).
- The Division continues to provide technical assistance to local school systems regarding the instruction and achievement of the special education subgroup. The Division awards discretionary grants that support evidence-based practices and support local school systems to improve the achievement of students with disabilities.
- 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 MSC indicators. Currently, 14 of 25 local school systems use the online IEP. A 15<sup>th</sup> has begun the implementation process and a 16<sup>th</sup> has expressed an interest in viewing a demonstration of the online IEP tool, the first step in the implementation process. Various other public agencies use the Maryland Online IEP, as well.
- Modified Assessment and alternate assessment tools have been added to the web-based statewide IEP system to assist IEP Teams in appropriately identifying students for participation in modified or alternate assessments. The Alt-MSA tool has an accompanying power point presentation to assist teams in appropriately using the tool.
- 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."
- The Division continues to enhance the [www.md.k12](http://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 2005-2013 State Performance Plan when reviewing the information included in Maryland's FFY 2009 Annual Performance Report. The documents are available at: <http://www.marylandpublicschools.org> or <http://mdideareport.org>.

The State's web link to 2009 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>.

Revisions, with Justification, to Improvement Activities/Targets/Timelines/Resources for FFY 2010:

Improvement Activities	Timelines	Resources	Justification
Begin Pilot of IQUIS-MD, a rubric designed to evaluate the quality of IEPs written in Maryland.  <b>NEW</b>	January 2011- March 2011	DSE/EIS staff CTE staff	To evaluate and enhance the quality of IEPs written in Maryland in order to improve achievement of students with disabilities.
Mod-MSA regional trainings for local school systems and nonpublic school representatives for students with disabilities enrolled in grades 3-5.  <b>NEW</b>	August 2009 through January 2010	DSE/EIS, DAA	To improve knowledge and skills of IEP team members on Modified Assessments and Eligibility for participation, Standards-based IEPs, and Accommodations
Convene an Accommodations Committee consisting of stakeholders from across the State.  <b>NEW</b>	January 2010 – ongoing through June 2013 Fall 2011 Release date of updated manual	DSE/EIS, DAA	To review and make recommendations for revising the Maryland Accommodations Manual and provide guidance in developing technical assistance documents.
Systemic Co-Teaching Initiative to improve student achievement.  <b>NEW</b>	March 2008 through June 2013	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.
Provided special education leadership and school teams' knowledge and understanding in developing and implementing standards-based IEPs.  <b>NEW</b>	September 2009 to December 2010	DSE/EIS, DAA, Marla Holbrook, Consultant.	To develop professional development modules for the LSSs to access on the Maryland State website in order to provide a consistent uniformed training on writing standards-based IEPs across the State. Modules will be aligned to the SC and bridged to the Common Core Standards.

# APR Template – Part B (4)

MARYLAND  
State

Improvement Activities	Timelines	Resources	Justification
<p>Develop a list of Reading and Mathematics Interventions.</p> <p><b>NEW</b></p>	<p>September 2009 to present Release Date January 2011</p>	<p>DSE/EIS, DAA, Modified Assessment Facilitators</p>	<p>To provide guidance and support to local school systems with a list of Reading and Mathematics Interventions to supplement interventions currently used the local school systems.</p>
<p>Release Online Alt-MSA Professional Development modules were released with updated sections on including students with the most significant cognitive disabilities.</p> <p><b>REVISED</b></p>	<p>August 2009 through June 30, 2013</p>	<p>DSE/EIS, DAA, DOI</p>	<p>To provide valuable tools and other resources for teachers to use to implement instruction and assessment for students with significant cognitive disabilities who participate in the Alt-MSA. Revised timeline to reflect the remaining years of the SPP.</p>
<p>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.</p> <p><b>NEW</b></p>	<p>August 2008 and Ongoing through June 2013</p>	<p>DSE/EIS staff, DAA staff, DCI staff</p>	<p>To improve knowledge and skills of IEP team members on effective instruction and assessment as found in the state curriculum.</p>
<p>Technical assistance will be provided to local school systems regarding the eligibility requirement for participation in the Alternative and Modified Assessments.</p> <p><b>REVISED</b></p>	<p>August 2008 to present and ongoing through June 30, 2013</p>	<p>DSE/EIS and DAA staff</p>	<p>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.</p>
<p>Develop revised Content Guidance Documents to include comprehensive understanding of Maryland Content Standards in reading, mathematics and science.</p> <p><b>REVISED</b></p>	<p>August 2009 TO September 2010</p>	<p>DSE/EIS staff, DAA staff, DCI staff</p>	<p>To improve knowledge and skills of IEP team members on understanding the Maryland Content Standards.</p>



**Part B State Annual Performance Report (APR) for FFY 2009**

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: FAPE in the LRE**

**Indicator 4A:** Rates of suspension and expulsion:

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

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

**Measurement:**

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.

Include State’s definition of “significant discrepancy.”

The data are 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. In addition to meeting the risk ratio of 2.0 or above 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

Actual Target Data for FFY 2009 (using 2008-2009 data)

FFY	Measurable and Rigorous Target
FFY 2008 (using 2008-2009 data)	No more than three (3) or 12.5% 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.

*For this indicator, report data for the year before the reporting year (use 2008-2009 data).*

Four (4) of 24 local school systems (16.7%) 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. **Target Not Met**

Number and Percent of Local School Systems with Significant Discrepancies						
	FFY 2008 (2008-2009)		FFY 2007 (2007-2008)		FFY 2006 (2006-2007)	
	#	%	#	%	#	%
Single Suspension of Greater than 10 Days	1	4.1%	2	8.3%	2	8.3%
Multiple Suspension Summing to Greater than 10 Days (2 LSSs excluded due to "n" size)	3	12.5%	3	12.5%	3	12.5%

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. In this category, 1 of the 3 local school systems identified as discrepant in FFY 2007 is no longer discrepant. 2 of the 3 local school systems continue to be discrepant but the discrepancy has decreased in both.

One local school system was identified as significantly discrepant in single suspensions of greater than 10 days. In this category the 2 local school systems identified as being discrepant in FFY 2007 are no longer discrepant.

**LEAs with Significant Discrepancy in Rates for Suspension and Expulsion**

Year	Total Number of LEAs	Number of LEAs that have Significant Discrepancies	Percent
FFY 2009 (using 2008-2009 data)	24	4	16.7%

## APR Template – Part B (4)

MARYLAND

State

**Review of Policies, Procedures, and Practices** (completed in FFY 2009 using 2008-2009 data): If any LEAs are identified with significant discrepancies;

For each of the four (4) 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 the local school systems' 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 four (4) identified local school systems to determine if procedural violations have occurred.

The State found noncompliance with the requirements of IDEA in one (1) of the four (4) local school systems that had been identified with a significant discrepancy. The State notified the local school system of its noncompliance and required the local school system to revise the noncompliant policies, procedures, and practices as soon as possible, but in no case later than one year from date of identification.

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.

**Correction of FFY 2008 Findings of Noncompliance** Do not report on the correction of noncompliance unless the State identified noncompliance as a result of the review required by 34 CFR §300.170(b).

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009) using 2008-2009 data	<b>2</b>
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	<b>2</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

### Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

1. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	<b>0</b>
2. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>0</b>
3. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	<b>0</b>

### Actions Taken if Noncompliance Not Corrected:

**Not Applicable**

**Verification of Correction (either timely or subsequent):**

**Not Applicable**

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):**

One school system has uncorrected noncompliance from FFY 2006. This school system was under a Consent Order. MSDE conducted a comprehensive monitoring of student records related to the disciplinary removal of students with disabilities for greater than ten school days during that reporting period. The school system was required to submit quarterly data and progress updates to MSDE as well as the plaintiffs and the Court. MSDE conducted on-site meetings with staff to discuss root causes for the uncorrected noncompliance and identify activities that would ensure correction in a timely manner. The school system was required to develop and implement a suspension task force to address system wide issues and to participate in a partnership with MSDE and MCIE to improve behavioral interventions, including functional behavioral assessments, behavior intervention plans and positive behavioral supports.

1. Number of remaining FFY 2007 findings (identified in July 1, 2007 – June 30, 2008 using 2008-2009 data), response table for this indicator	1
2. Number of remaining FFY 2007 findings the State has verified as corrected	1
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	0

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable):**

1. Number of remaining FFY 2006, or earlier, findings (identified in July 1, 2006 – June 30, 2007 using 2007-2008 data), response table for this indicator	1
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

One local school system had been a school system under the May 4, 2000 Consent Order for the disciplinary removal of students with disabilities greater than ten school days with MSDE oversight since 2004. On April 19, 2010, the U.S. District Court of Maryland approved the Settlement Agreement entered into by MSDE, the local school system, and Maryland Disability Law Center. The Settlement Agreement became effective July 1, 2010 and is in effect until September 15, 2012.

Under the Settlement Agreement, all corrective action pertaining to discipline and the suspension of students with disabilities is subject to federal and State requirements as well as specific areas negotiated and agreed to by all parties. Although it is acknowledged that the local school system has made improvement toward the correction of noncompliance, MSDE has continued to make findings of noncompliance in this local school system regarding the suspension of students with disabilities. The State has taken the following actions to identify the root cause(s) of continuing noncompliance and enforcement actions taken:

- The local school system's SFY 2011 Local Application for Federal Funds is subject to Special Conditions –
  - MSDE staff have increased on-site and off-site monitoring activities;
  - The local school system is required to submit progress reports on a quarterly basis that provides data and a summary of the corrective action plan activities;

## APR Template – Part B (4)

MARYLAND

State

- The local school system must continue to work cooperatively with MSDE, the Settlement Agreement liaison and the MSDE Enhanced Monitoring for Continuous Improvement and Results staff and actively seek available sources of technical assistance and management assistance for improvement and the correction of noncompliance identified through monitoring, Letters of Findings and other applicable requirements; and
  - The local school system must continue to develop, implement, review and revise the MSDE directed corrective action plan to ensure correction of noncompliance as soon as possible but in no case later than one year; and
  - The local school system is required to correct all student specific, school-based and systemic noncompliance identified through MSDE’s general supervisory responsibilities.
- If noncompliance persists in the area of discipline and the suspension of students with disabilities in this local school system and is not corrected by the annual date of the corrective action plan, MSDE will impose additional sanctions consistent with guidance from the United States Department of Education, Office of Special Education Programs and in accordance with COMAR 13A.05.02.07, as circumstances dictate.

If not corrected, special conditions will be applied to future grants under IDEA and federal funds will be directed to remedy the noncompliance.

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

Statement from the Response Table	State’s Response
Describe the results of the State’s examination of the data for the year before the reporting year including data disaggregated by race and ethnicity to determine if significant discrepancies are occurring in the rates of long term suspensions and expulsions of children with IEPs as required at 20 U.S.C. 1412(a)(22). If the State used a minimum “n” size requirement, report the number of districts excluded from the calculation as a result of this requirement.	The State provided the results of the examination of the data for the year before the reporting year to determine if significant discrepancies are occurring in the rates of long term suspensions and expulsions of children with IEPs.
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).	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.

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:

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

In FFY 2007 there were three local school systems identified as significantly discrepant this exceeded the target. In 2008 four local school systems were identified as significantly discrepant which does not meet

the State's target of no more than three local school systems being significantly discrepant for suspension of students with disabilities compared to nondisabled students.

Comparing FFY 2007 data with FFY 2008 data for local school systems identified as significantly discrepant in multiple suspensions summing to greater than 10 days, 1 of the 3 local school systems identified as discrepant in FFY 2007 is no longer discrepant. 2 of the 3 local school systems continue to be discrepant but the discrepancy has decreased in both. One additional local school system was newly identified in FFY 2008.

Comparing FFY 2007 data with FFY 2008 data for local school systems identified as significantly discrepant in single suspensions of greater than 10 days, the two local school systems identified as being discrepant in FFY 2007 are no longer discrepant. One additional local school system was identified as significantly discrepant in single suspensions of greater than 10 days.

While this data does indicate slight slippage overall from 3 systems identified with significant discrepancy in the suspension of students with disabilities compared to nondisabled students, it should be noted that the level of discrepancy has decreased. In addition, there are no local school systems discrepant in both multiple suspensions and single events of suspension of greater than 10 days.

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 four local school systems in FFY 2008.

A review of suspension data between FFY 2006, 2007, and 2008 show that the 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 has remained the same at 3. The number of local school systems with single suspensions of greater than 10 days for students with disabilities compared to nondisabled students has shown a reduction with only one local school system with a discrepant rate of suspension.

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.

## APR Template – Part B (4)

MARYLAND  
State

- 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 through FFY 2012 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.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):**

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

**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
<b>FFY 2009 (2009-2010)</b>	5A 61.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day; 5B 15.86% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day; and 5C 6.67% 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 2009:** 5A: 64.80% Exceeds Target; 5B: 14.55% Exceeds Target; and 5C: 7.33% Target Not Met.

The least restrictive environment (LRE) data for this APR is based on Maryland’s 618 annual child count collected the last Friday in October 2009 and reported in the *2009 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 2008 response table to MSDE stated that, “OSEP appreciates the State’s efforts to improve performance and looks forward to the State’s data demonstrating improvement in performance in the FFY 2009 APR.” No specific suggestions for future reporting were made. In a review of the data, although one sub-indicator (5C) was not met, it does show improvement over time, as demonstrated in the trend data chart below.



# APR Template – Part B (4)

Total Number of Students with Disabilities, Aged 6 - 21	Indicator	October 2009			State Target Status
		MD IEP Population 90,486			
		Number	State Target	2009 Actual	
Inside Regular Education 80% or More of the Day	5A	58,635	61.61%	64.80%	Met
Inside Regular Education < 40% of the Day	5B	13,170	15.86%	14.55%	Met
Separate Facilities	5C	6,639	6.67%	7.37%	Not Met

## Trend Data

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 public report on the SPP website: <http://mdideareport.org>. The data are displayed beginning with FFY 2004.

**5A:** Three local school systems did not meet the State's target and are the same three as reported in the 2008 APR. All have demonstrated some improvement; and two, represent school systems of more than 10,000 students with disabilities.

Indicator 5A by Percent									
	2004	2005	2006	2007	2008	2009	2010	2011	2012
State Target		57.75	60.11	60.61	61.11	61.61	62.11	62.61	63.11
State Results	57.25	59.90	61.64	62.35	63.99	64.80			

**5B:** All three local school systems that did not meet the State's target are the same as those in FFY 2008. Two represent school systems of more than 10,000 students with disabilities and are the same two that did not meet the 5A target. One of these two has been slowly, but steadily, closing the gap even as the target decreases.

Indicator 5B by Percent									
	2004	2005	2006	2007	2008	2009	2010	2011	2012
State Target		17.47	16.61	16.36	16.11	15.86	15.61	15.36	15.11
State Results	17.72	16.86	16.21	15.82	15.10	14.55			

**5C:** In FFY 2009, three of the five largest school systems did not meet the 5C target. These are the same three that did not meet target in FFY 2008. All three are making progress toward meeting the State's target; one is particularly close to meeting the State's target for this indicator. The other two large school systems in the State have improved and are now meeting the State's target.

Indicator 5C by Percent									
	2004	2005	2006	2007	2008	2009	2010	2011	2012
State Target		7.67	7.42	7.17	6.92	6.67	6.42	6.32	6.22
State Results	7.92	7.89	7.90	7.80	7.59	7.37			

### Correction of Noncompliance

Under other areas of noncompliance labeled FAPE in the LRE in Indicator 15, there were eight system-wide and 11 individual student findings of noncompliance reported in two LSS/PAs. All were based on LRE determination. The MSDE verification activities were conducted in accordance with MSDE's 2 prong verification procedures. Prong 1: IEPs where the noncompliance was first identified were reviewed to determine correction. Prong 2: After a period of time to ensure staff development and other activities occurred, a sample set of updated records were reviewed to determine if the correction extended to the updated IEPs. The verification review confirmed correction was achieved.

There were also three findings of noncompliance in two school systems that related to proper determination of placement identified through MSDE Complaint Investigations with Letters of Findings issued between July 1, 2008 and June 30, 2009. All were verified as corrected within one year.

Verification procedures are conducted within one year from the date of the written finding and include the review of policies and procedures, student records, other related documentation, and updated data, as appropriate to the finding. Verification procedures must demonstrate the LSS/PA is properly implementing the regulatory requirement(s) at the level of 100% to be considered compliant.

There is one outstanding finding of noncompliance that remains open from a finding reported in the FFY 2006 APR. This is the school system that was formally under a Consent decree and now under a Settlement Agreement. Although progress has been made, the corrective action remains open. The MSDE has four staff members assigned to the school system on a regular basis to meet with the school system staff, review updated data and results of monitoring activities to correct all student specific corrections of noncompliance and ensure compliance is extended system-wide. Intermittent reviews of student records are completed. An MSDE team, chaired by the Assistant State Superintendent for Special Education, meets regularly with staff to review the school system's progress or slippage and recommend additional strategies, if needed.

### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

The MSDE has made progress in Indicator 5. Each subset of the indicator has made growth over time and maintains a positive trend. The development and implementation of the statewide IEP has improved LRE determination procedures are implemented as required. The supporting 'wizard', which assists the user in understanding the steps needed to make such a determination have proved successful. Posting LSS/PA data, reviewing the State's funding mechanism, improving access to materials about co-teaching and including students with disabilities in regular environments have all contributed to the State's improvement. As such, the following improvement activities have been completed. Each has served its purpose and is part of the day to day work of the Division of Special Education. These will not be reported after the submission of this APR. The improvement activities reported below are those activities the State has identified as critical to increasing the number of students in less restrictive environment.

<b>Improvement Activities Completed</b>
Include LRE data for students ages 6-21 in local school system report cards.
Review the impact of the State funding mechanism for students for whom nonpublic placement is sought.
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.
Utilize the implementation of the Statewide IEP to review application of IEP decision making requirements to determine the LRE.
Explore the use of a data mining program to disaggregate LRE data for preschool for use in improvement planning.
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

Three major initiatives are employed by the MSDE to advance placement in the LRE. The three are the distribution of funds to LSS in the form of grants that improve LRE data; innovations that result in sustainable co-teaching practices; and, specially designed programs that are targeted to the State’s weakest results area, Indicator 5C data.

In FFY 2009, there were six competitive grants awarded by the State to improve the education of students with disabilities in the LRE, and an additional seven grants were funded to provide supplementary aids and services for students with disabilities in the LRE. Both grants were designed to improve LRE at the system, school and individual student level. Periodic reports submitted during the grant period report the grant funds are being used for the purpose(s) intended, amendments requested when changes are required and all are reported as having a positive effect on LRE. Final State FFY 2010 LRE data reports will confirm the actual progress made in the LSS/PAs. Final data and reports highlighting those having the most positive impact will be distributed. Funding has again been offered for FFY 2010.

The MSDE supports the philosophy that students with disabilities belong with their nondisabled peers to the maximum extent appropriate, but recognizes student needs do exist that necessitate other placements to meet the unique needs of particular students. While supporting students where they are important, the MSDE also supports efforts to bring students together with nondisabled students, whenever possible. In FFY 2009, six LSSs were awarded non-competitive State-Aid grants by the MSDE Nonpublic Special Education office to establish Public Private Partnerships (P/PPs) with special education day placement facilities. These grants have multiple purpose(s): to serve students currently in separate nonpublic special education facilities in the public schools; divert students from full time nonpublic facility placements into less restrictive placements; provide opportunities for students currently in more restrictive placements (residential) to receive services in the less restrictive day placements; and, to provide short-term, crises intervention. Service options for students include classes staffed by nonpublic teachers in public schools, and nonpublic counseling, behavior intervention and management personnel to provide services in public schools to support students who otherwise would have been placed in more restrictive day placements. In FFY 2009, 731 students were able to be served under P/PPs with funds that under traditional models would have funded 398 students. Through this effort, IEPs teams in these LSS have more fluid service delivery options to provide students with disabilities needed services in less restrictive environments. In addition to these six grants, the Nonpublic Office provided funds for four classrooms to be staffed and supported by nonpublic school facility staff in public middle schools, allowing for integration of students into special and/or general education classes with support. Finally, funds were also used for a project by the MSDE, the University of Maryland, and two LSS to provide enhanced mental health services in public schools rather than pursue placements in nonpublic facilities. As a result of these efforts, the MSDE expects: some students placed in residential programs to receive services in less restrictive day placements; some students in day placements to be served in self-contained special education classrooms with support to be included in general education classes; some students in special education classes to be served in general education classes with supports; and, some students already in special education to be diverted from more restrictive placements; and, finally, some

## APR Template – Part B (4)

students who need short-term support services never to require special education at all. At the majority of these levels, with few exceptions, there are opportunities for students with disabilities to be educated with their nondisabled peers.

A major initiative to improve LRE is the State's efforts to establish a Maryland Co-Teaching Network and in designing and implementing *Maryland's Co-Teaching Framework*. This framework was developed as a component of one of the Solutions incorporated in the third *Maryland State Improvement Grant* to improve outcomes for children and youth with disabilities in the LRE. The grant is funded by OSEP. The Solution's purpose is to support collaboration for the development of an interactive network of administrators and teachers that builds capacity for system's change. The use of the framework; the provision of high quality staff development related to co-teaching and the implementation of evidenced-based practices; and the development of online web-based components all focus on enhanced opportunities for students with disabilities to be successful in the LRE. The MSDE supports the initiative at the system, school and school team levels to stimulate the development, initiation and implementation of effective practices. Under shared ownership with other divisions within the department, the framework is taking shape and decisions regarding methods for data collection, analysis and use are being formulated. Analysis of the data using measured framework outcomes will be used to predict and validate dual benefits regarding placement and academic achievement. The State looks forward to reporting more on this initiative in the future.

### Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 [If applicable]

Improvement Activity	Timeline	Resources	Justification
Increase the number of non-competitive State-Aid grants by the MSDE Nonpublic Special Education office to establish Public Private Partnerships (P/PPs) with special education day placement facility staff.  <b>REVISED</b>	FFY 2010 through FFY 2012	Grant funds LSS staff PA staff Other agencies	This project promotes FAPE in the LRE.
Direct use of competitive grant funds toward LRE initiatives that favor support to students in less restrictive settings.  <b>REVISED</b>	FFY 2010 through FFY 2012	DSE/EIS staff	Two previous improvement activities were combined and clarified into this activity.
Continue to provide staff development on the collaborative development, implementation, monitoring and evaluation framework for Co-Teaching.	FFY 2010 through FFY 2012	DSE/EIS staff	No change from previous APR.

Part B State Annual Performance Report (APR) for FFY 2009

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**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:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

Summary Statement 2: The percent of children who were functioning within age expectations in Outcome A by the time they exited the program.

**Target Data and Actual Target Data for FFY 2009:**

Targets and Actual Data for Preschool Children Exiting in FFY 2009 (2009-10)

Summary Statements	Targets FFY 2009 (% of children)	Actual FFY 2009 (% of children)
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>		
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%	64.4%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	70.5%	64.9%
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>		
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%	65.3%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	56.3%	52.7%
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>		
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%	60.6%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	63.2%	62.1%

# APR Template – Part B (4)

Progress Data for Preschool Children FFY 2009

<b>A. Positive social-emotional skills (including social relationships):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	398	16.1%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	231	9.4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	238	9.6%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	901	36.5%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	701	28.4%
<b>Total</b>	<b>N= 2469</b>	<b>100%</b>
<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	340	13.8%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	410	16.6%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	417	16.9%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	997	40.4%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	305	12.4%
<b>Total</b>	<b>N= 2469</b>	<b>100%</b>
<b>C. Use of appropriate behaviors to meet their needs:</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	425	17.2%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	305	12.4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	206	8.3%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	915	37.1%

e. Percent of children who maintained functioning at a level comparable to same-aged peers	618	25.0%
<b>Total</b>	<b>N= 2469</b>	<b>100%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

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 (WSS) (Part B Indicator #7).

The 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.



Improvement Activities targeting quality of data:

Division staff and Johns Hopkins University/Center for Technology in Education (JHU/CTE) staff provided an annual update of the Early Childhood Accountability System (ECAS) data collection and entry system features at the Spring Administrative Briefing conducted in April 2010 for local school system and two public agency preschool special education coordinators. Briefing attendees participated in a facilitated discussion regarding the accuracy of Work Sampling System entry and exit checklist ratings and the consistent use of exemplars documents for each age level (Fall/Entry; Spring/Exit), developed in partnership with the Division of Early Childhood Development. The consistent use of the exemplars remains an ongoing challenge for both general education and special education early childhood staff.

Local child outcomes data for FFY 2009 reflect significant improvement for some jurisdictions, no change in several jurisdictions and a decline in performance in other jurisdictions, with size of the jurisdiction not an apparent factor in overall child outcomes results. Local jurisdictions now have two years of child outcomes data and related summary statements to compare and analyze, and must complete improvement plans where data fall below the FFY 2009 State targets. Improvement Plans are due in December 2010, and will be used by ECIE and QAM Branch for monitoring of improvement activities and provision of technical assistance targeted to locally identified needs for improving results for children.

Preliminary analysis of the local data suggests reasons for both progress within some jurisdictions and slippage in other jurisdictions. Reasons for progress in local jurisdictions whose data met or surpassed the State targets for FFY 2009 include: a) incorporation of the WSS indicators into the regular quarterly report card for all three through five year olds, including children with disabilities; b) structured WSS ratings in service days, where staff meet to discuss and reach consensus on ratings; c) consistent use of the WSS indicators exemplars documents; and d) entry of the WSS data into the ECAS by the staff person responsible for completing the ratings. Conversely, reasons for slippage in local jurisdictions whose data did not meet the State targets for FFY 2009 include: a) the use of data entry personnel to complete the actual entering of WSS checklist ratings into the ECAS; b) inconsistent use of the exemplars documents to make indicator ratings; and c) lack of a relationship between the WSS indicators and the local quarterly progress report card. Where a local jurisdiction has been requiring direct service delivery staff to enter into ECAS the results of entry and exit WSS checklist ratings completed for children for whom they have responsibility, results have been consistently higher than in jurisdictions where the service provider does not enter this data or have any subsequent access to the child's information for instructional planning purposes.

For the 2011-2012 school year (FFY 2011/SFY 2012), LSS/Public Agency preschool special education coordinators will be given direction to include in their annual professional development grant for Maryland Model for School Readiness/Early Childhood Accountability System (MMSR/ECAS), a plan for how they will transition by July 1, 2012 from the use of data entry personnel to all direct service providers entering data into the ECAS system on children for whom they have responsibility. Using a Trainer of Trainers model, LSSs/PAs will also be provided with training and support by MSDE and JHU/CTE focusing on building of knowledge and skills for local program staff on the use of the data for short term instructional planning and long term program improvement planning.

Improvement Activities designed to improve the quality of programs and services in order to improve children's outcomes:

In FFY 2009, four "preschool" MMSR/ECAS professional development modules were developed. The content of the modules is focused on:

- accuracy and consistency of performance ratings on the Work Sampling System (WSS) for 3 and 4 year old children served under an IEP as well as an Extended IFSP
- development of individual child IEP goals and objectives/ IFSP outcomes that are aligned with expectations for school readiness (Maryland State Curriculum)

- identification and implementation of appropriate curricular and instructional modifications and accommodations that support access to the general curriculum across early childhood settings.

Training on these modules was initiated in fall of FFY 2010. Participants in the trainings, to be completed for all jurisdictions in Spring 2011, included local Infants and Toddlers Programs and local school system preschool special education staff working with 3 and 4 year old children. Preliminary participant evaluation feedback has indicated that the training is meeting the need identified by LSSs during FFY 2008 for MMSR training geared to younger learners. Existing MMSR training focuses more intensively on children enrolled in their kindergarten year, with training session application activities utilizing primarily the K-level exemplars. While the MMSR training developed for 3 and 4 year olds is consistent with the process for collecting and completing ratings on the Work Sampling System at the kindergarten level, the examples and practice activities are appropriate to preschool children, and address differentiated instruction strategies for children with developmental delays and disabilities. The full report of the evaluation information for this training will be provided in the FFY 2010 APR.

MSDE, Division of Special Education/Early Intervention Services (DSE/EIS), and the Division of Early Childhood Development (DECD) have continued to jointly develop and coordinate implementation of the annual plan for Maryland Model for School Readiness (MMSR) and ECAS Professional Development through annual Spring PD planning meetings with local school system general and special education early childhood coordinators. For Spring 2010, local Infants and Toddlers Program Directors were also included in these planning sessions; they will continue to participate in the Spring 2011 grant planning meetings. For FFY 2010, the preschool MMSR modules will also be provided as a professional development option for general education early childhood staff, with the additional goal of supporting expanded opportunities for children with disabilities to successfully participate in regular early childhood settings.

Development of two additional preschool modules is planned for FFY 2010. The content for the additional modules will extend the training included in modules 3 & 4 on differentiated instruction, and also integrate ECAS data entry and beginning data analysis applications. It is anticipated that training on modules 4 & 5 will be initiated in late FFY 2010 or early FFY 2011.

**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:

<b>Improvement Activities</b>	<b>Timelines</b>	<b>Resources</b>
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.	2009-2013	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.	2009-2013	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

## APR Template – Part B (4)

MARYLAND  
State

MSDE and JHU/CTE staff will coordinate annual update of ECAS data entry system, including incorporating new data collection and reporting features.	2007-2013	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.	2007-2013	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.	2007-2013	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.	2007-2013	MSDE LSSs/PAs

**Timelines for Improvement Activities were extended in the previous reporting period through 2013. These remain in effect for the current reporting period with no anticipated changes.**

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010**

**Part B State Annual Performance Report (APR) for FFY 2009**

**Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3

**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
<b>FFY 2009 (2009-2010)</b>	<p>32% 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>37% 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 2009:**

Target	Actual Number	Actual Percentage	Target Status
<b>School Age – 32%</b>	8,105	37%	<b>Exceeded Target</b>
<b>Preschool – 37%</b>	1,658	43%	<b>Exceeded Target</b>

MSDE conducted a census survey of a total of 107,452 parents of children and youth receiving special education services. Of the total number of surveys (107,452), 95,129 (90,546 English and 4,583 Spanish) were sent to parents of school-aged (6 through 21 years of age) children and youth receiving special education services and 12,323 (11,888 English and 435 Spanish) parents of preschool (3 through 5 years of age) children receiving special education services. Results are based on the surveys returned by 9,768 (8,105 responses—7,802 English and 303 Spanish) parents of school-aged children (8.5%) and 1,658 (1,658 responses—1,593 English and 65 Spanish) parents of preschool children (13.5%). Overall 9,768 of 107,452 (9%) of all surveys were returned. Overall, there was a nine percent response rate which was comprised of thirteen percent for parents of preschoolers and eight percent for the parents of school-age children.

For the 2009-2010 school year, questions were administered via paper and web surveys. Separate surveys were used for parents with children in preschool versus parents of school-age children. MSDE provided the vendor with a list of all schools within each county by preschool and school-age populations. MSDE also provided the vendor the number of nonpublic schools 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 2009 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. The packages were addressed to the Parent/Guardian of a specific child. The English survey packages were mailed out on June 21<sup>st</sup>, 2010, and the Spanish surveys were mailed out on June 28<sup>th</sup>, 2010. After the surveys had been delivered, calls were received at MSDE and ICF Macro for requests of the survey in a different language. These inquiries were directed to the ICF Macro Team and approximately 63 additional survey packages were mailed out (49 Spanish packages, 14 English packages). Surveys were returned directly to the ICF Macro Team's offices via business reply mail and began to arrive on June 24, 2010. As each survey was received, it was processed, counted, and prepared for scanning.

The indicator is calculated based on parental responses to a series of questions administered via a paper/pencil and web survey. As with previous iterations of this survey, the questions on the survey are those recommended by the National Center for Special Education Accountability Monitoring (NCSEAM), and include 25 core questions followed by six (6) demographic questions. (The preschool questionnaire included 7 demographic questions). Separate surveys are used for parents with children in preschool versus parents of school-age children. Surveys were mailed in English and in Spanish based upon information provided by the Counties. Rasch analysis, using the weights (i.e., anchors) suggested by NCSEAM, is used to calculate the value of OSEP Indicator 8. For the current data collection period, an additional comment field was added to the end of the web survey for both English and Spanish, as well as to the end of the English paper surveys for parents to provide their feedback regarding the special education services their child received in the 2009-2010 school year.

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 700 of 1,658 (43%) of parents of preschool-aged children reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. The FFY 2008 survey indicated 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 twenty-six percentage point decrease over. In reviewing individual local school system results the percentages reported ranged from 46% to 41%. MSDE will be meeting with the contractor, local directors of special education, preschool coordinators, the Special Education County Advisory Committees (SECACs), and the Special Education State Advisory Committee (SESAC) to gather information to determine what other factors may be contributing to the significant decrease in how parents view local school system facilitation of parent involvement.

Nearly all respondents were from Maryland; with the exceptions amounting to about 3 tenths of 1% (nine (9) respondents lived in Delaware, eight (8) in the District of Columbia, three (3) in Virginia, and one (1) in Pennsylvania). 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, 4 or 5 years of age (Figure 1).
- Just over half the respondent’s children (55%) were referred for services before the age of 3 (Figure 2).
- Over half (56%) of the respondents were White, about one-fifth (21%) were Black or African American, 9% Hispanic 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 82 percent of the disabilities cited (Figure 4).

**Figure 1: Distribution by Age of Preschoolers**

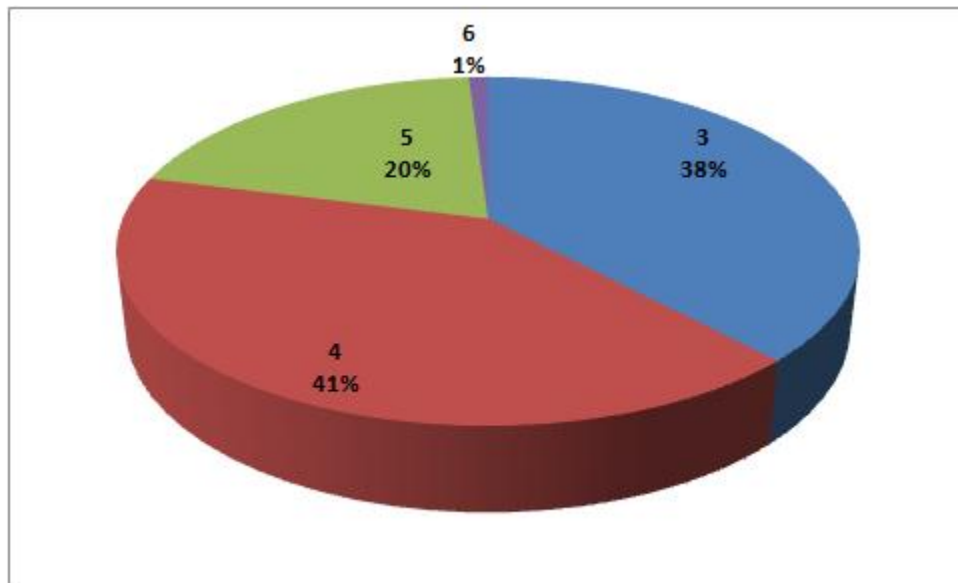


Figure 2: Distribution by Age of Preschoolers When Referred to Early Intervention or Special Education

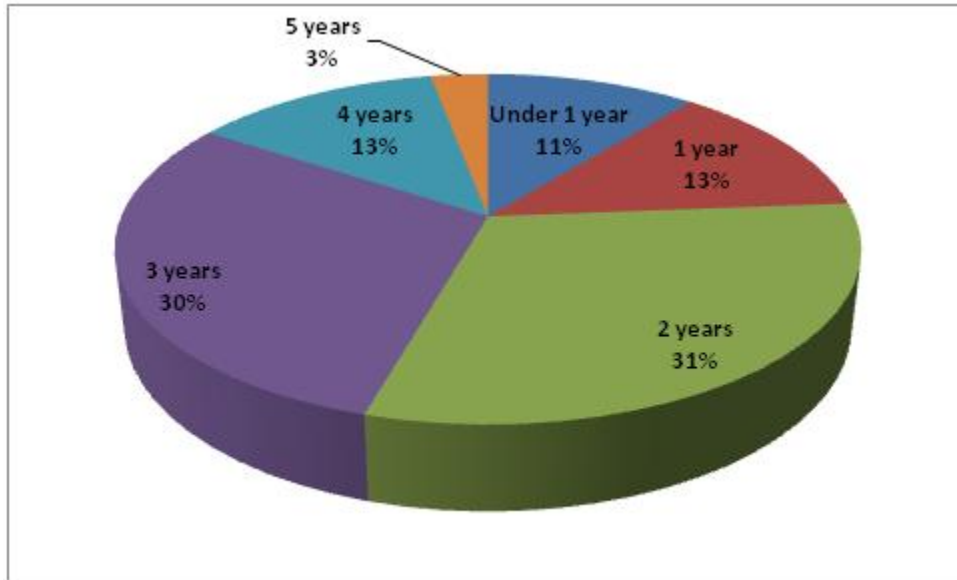
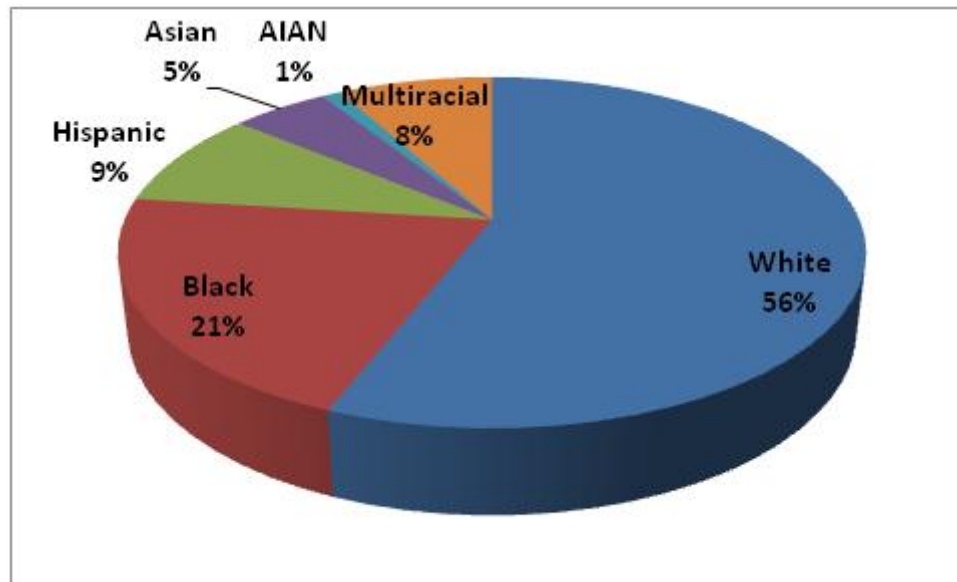
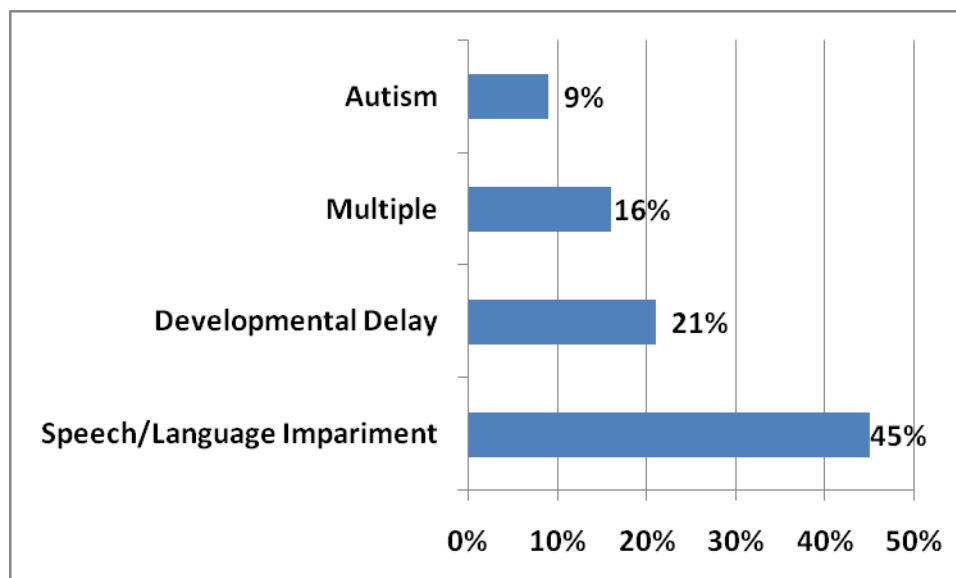


Figure 3: Distribution of Respondents by Race of Child



**Figure 4: Distribution of Preschoolers by Top Four Exceptionalities/Disabilities Cited**

In FFY 2009, 61% of the respondents, by age of the child, were parents of children 4 and 5 years of age, as compared to FFY 2008, when 61% of the respondents by age of the child were 5 and 6 years of age. The percentage of respondents who are Black or African American decreased over the previous year (21% versus 22%) and the percentage of respondents who are multiracial remained constant (8% each year). In FFY 2009 we expanded our race categories to include Hispanic respondents (9%), Asian respondents (5%), and American Indian/Alaskan Native (1%) compared to FFY 2008 when we used Other (12%). The percentage of White respondents decreased from 59% to 56%. A comparison of FFY 2008 and FFY 2009 distribution of respondents continued to identify the largest percentage of respondents were parents of children identified with a speech or language impairment (45% versus 41%). Also the parents of children with a developmental delay were similarly represented (21% versus 25%). FFY 2009 again found a larger percentage of parents of children with multiple disabilities (16% versus 14%) responded continuing to be identified as the third highest distribution of respondents by disability.

### Responses from Parents of School-Aged Children Receiving Special Education

Overall 2,913 of 8,105 (37%) 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 twenty (20) percentage points lower than reported in FFY 2008 (57%). Responses range from 38% to 36%. Nearly all respondents were from Maryland; with the exceptions amounting to about 3 tenths of 1% (nine (9) respondents lived in Delaware, eight (8) in the District of Columbia, three (3) in Virginia, and one (1) in 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 (43 percent) of these are 10 or younger. The majority (62 percent) was referred to Early Intervention or Special Education before the age of 6 (Figure 6). Over half (54 percent) are White and more than one-quarter (29 percent) are Black or African American (Figure 7). The four most frequently cited disabilities account for 78 percent of the disabilities cited (Figure 8).



Figure 5: Distribution by Age of School-age Children

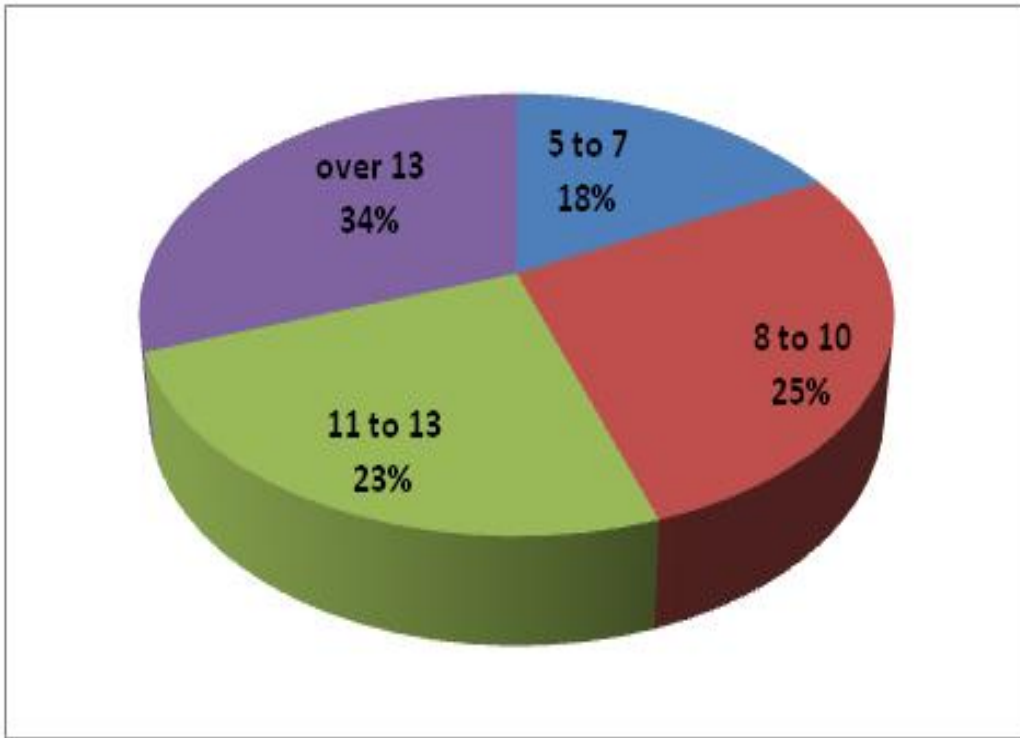


Figure 6: Distribution by Age of School-age Children When Referred to Early Intervention or Special Education

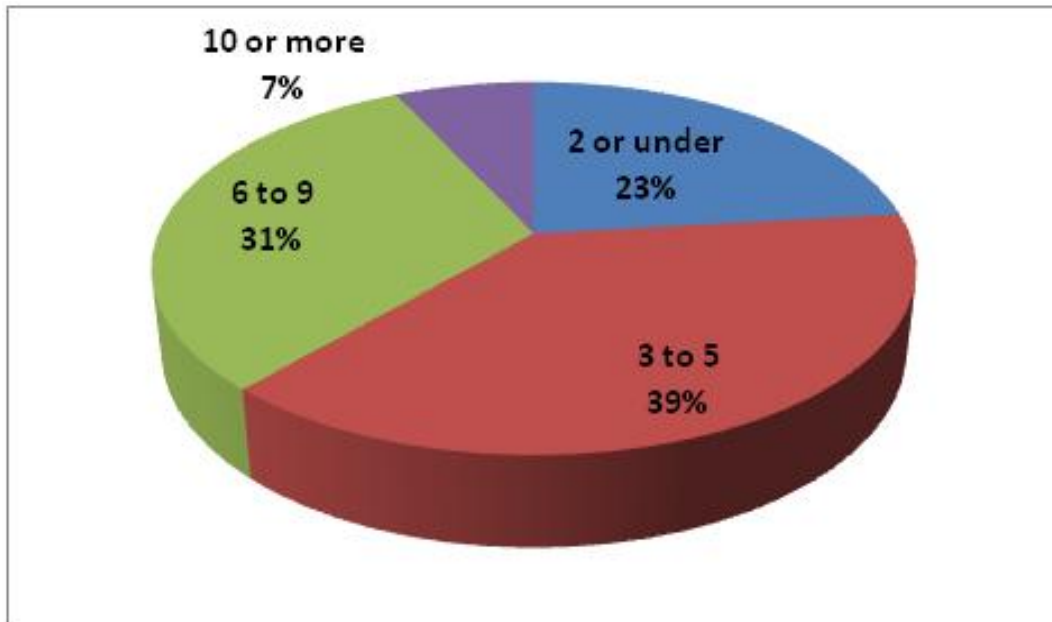


Figure 7: Distribution of Respondents by Race of Child

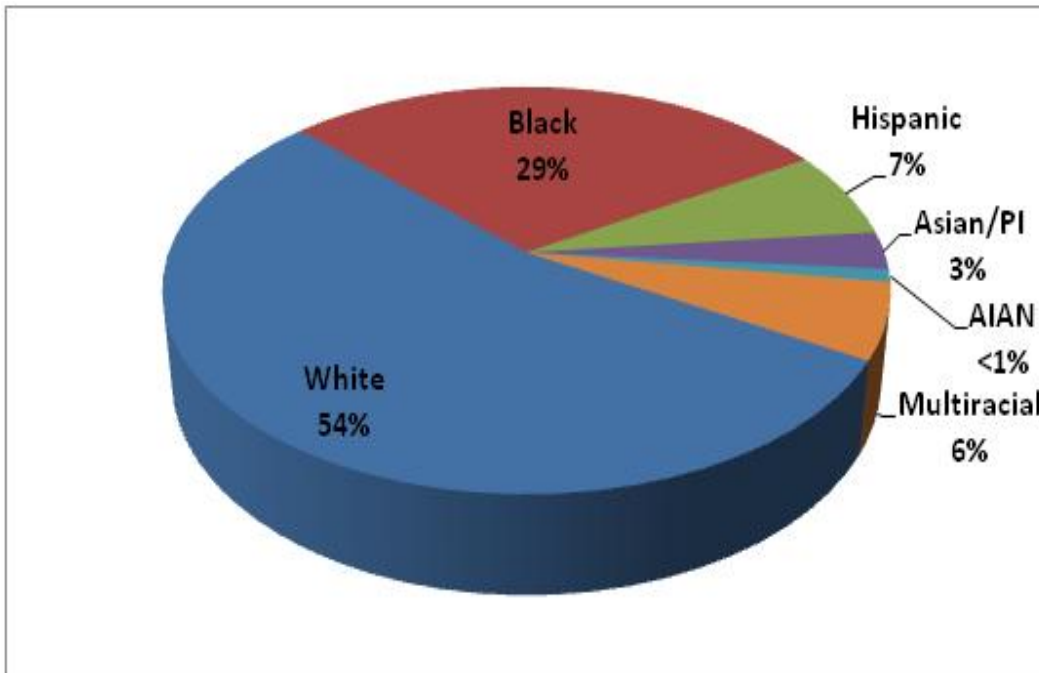


Figure 8: Distribution of School-age Children by Top Four Exceptionalities/Disabilities Cited

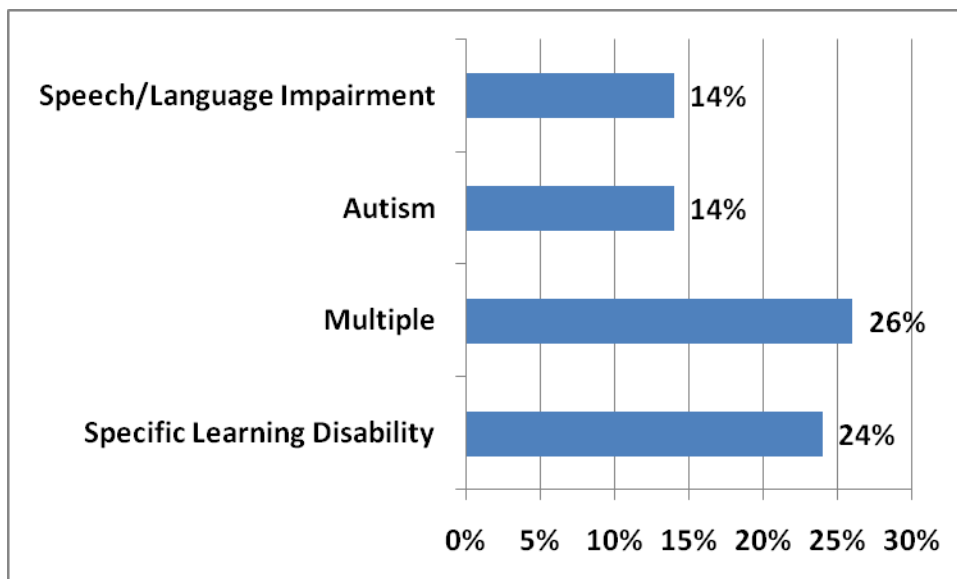
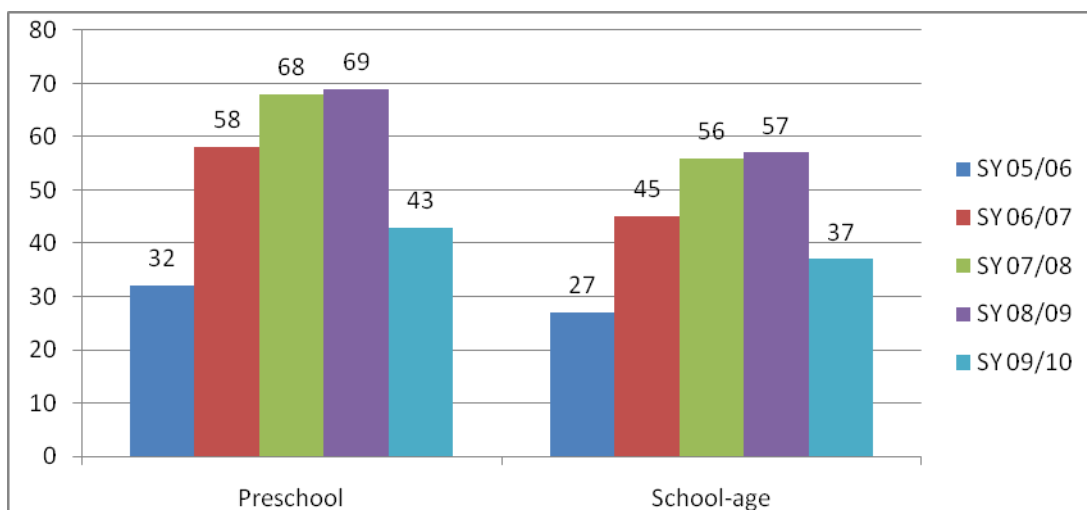


Figure 9 presents data comparing the values of Indicator 8 for the school years 2005/06, 2006/07, 2007/08, 2008/09, and 2009/10. Each year 2005/06 through 2008/09 shows an increase from the previous school year. The current data seems to indicate a significant slippage. Possible reasons for the drop this year include:

1. Parents responding to both surveys being more critical of their school’s performance regarding parent involvement (resulting in lower levels of agreement) than in the previous years, and
2. The survey administration shifting to the June and July timeframe.

However, it does not appear that the response rates for this administration were dramatically different from previous years. MSDE will be meeting with the contractor, local directors of special education, Family Support Network representatives, and members of the SESAC to consider what other factors may be contributing to the significant decrease in how parents view local school system facilitation of parent involvement.

**Figure 9: OSEP Indicator #8, School Year 2005-2006, 2006-2007, 2007-2008, 2008-2009, and 2009-2010 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 30, 2009 child count identified their race and ethnicity as 45,507 (44.2%) White, 44,985 (43.7%) Black/African American, and 8,991 (8.7%) Hispanic. Respondents to the two surveys represented a total of 9,768 respondents. A total of 5,274 (54%) were identified as White, 2,735 (28%) as Black/African American, 684 (7%) as Hispanic, and 586 (6%) as Multiracial. There was an increase in the number of Black/African American respondents to the survey over FFY 2008 response rates (28% in FFY 2009 vs. 25% in FFY 2008). 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

# APR Template – Part B (4)

adjustments. Initial vendor recommendations for improving response rates were implemented for FFY 2008.

**Correction of Related Requirements Noncompliance: N/A**

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2010: N/A**

Improvement Activities	Timelines	Resources	Justification
Utilize the SESAC and local SECACs to identify priorities, best practices and barriers to parental involvement within their communities.  <b>REVISED</b>	September 2005 through June 30, 2013	DSE/EIS staff SESAC Members SECAC Members	Revised timeline to reflect the extended SPP through FFY2012. Continued involvement and input from the SESAC and local SECAC members are critical to identify factors that may be contributing to the significant slippage for FFY 2009.
Work with the SESAC, SECACs and representatives from Hispanic community organizations located in jurisdictions with a greater than 5% Hispanic population to enhance the response rate among the Hispanic community.  <b>REVISED</b>	July 2008 through June 30, 2013	DSE/EIS staff SESAC Members SECAC Members Hispanic community organizations	Revised timeline to reflect the extended SPP through FFY2012. Continued involvement and input from the SESAC, local SECAC members, and representatives from Hispanic community organizations located in jurisdictions with a greater than 5% Hispanic population are critical to identify factors that may be contributing to the significant slippage for FFY 2009.
Work with the SESAC, local directors of special education, local SECACs, and representatives from African American, and Asian community organizations located in jurisdictions to enhance the response rate among the African American and Asian families.  <b>REVISED</b>	July 2010 through June 30, 2013	DSE/EIS staff SESAC Members SECAC Members Local Directors of Special Education African American community organizations Asian community organizations	Revised timeline to reflect the extended SPP through FFY2012. Continued involvement and input from the SESAC, local SECAC members, local directors of special education, and representatives from African American, and Asian community organizations are critical to identify factors that may be contributing to the significant slippage for FFY 2009.
Consider putting the rating scales online.  <b>REVISED</b>	July 2008 through June 30, 2013	DSE/EIS Staff SESAC Members SECAC Members Vendor	Revised timeline to reflect the extended SPP through FFY2012.

## Part B State Annual Performance Report (APR) for FFY 2009

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Disproportionality**

**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))

**Measurement:**

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.

**In analyzing data for this indicator, the State must:**

The State used its 618 data, collected the last Friday in October, 2009, from each of the 24 local school systems, and reported in the 2009 *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, 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, 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

**Step One:**

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. One local school system was excluded from the calculation as a result of not meeting the minimum “n” size.

**Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification**

MSDE determines if the local school systems’ disproportionate representation is the result of inappropriate identification by first reviewing the *Self-Assessment of Public Agency Performance on IDEA, Part B Indicators (Self-Assessment)*. In this document, local school systems report their data for Indicator 9. If the local school system reports disproportionate representation, it must review its policies and procedures to ensure compliance with the child find, evaluation, and eligibility requirements related to appropriate identification. In addition the local school is to review a sampling of records of students in the disproportionate race who are newly identified in FFY 2009 to ensure that appropriate identification procedures were used. The local school system is to submit to MSDE both the policies and procedures and a summary report based on the record review. MSDE then verifies that policies and procedures are appropriate and that these procedures were followed for the identification of students for special education.

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 2009:**

FFY	Measurable and Rigorous Target
<b>FFY 2009 (2009-2010)</b>	0% of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
<b>FFY 2009 (2009-2010)</b>	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.

# APR Template – Part B (4)

MARYLAND  
State

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

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY 2009 (2009-2010)	24	2	0	0%

### Correction of FFY 2008 Findings of Noncompliance (if State did not report 0%):

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 100%

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	N/A
2. Number of FFY 2008 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 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

### Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

1. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	N/A
2. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	N/A
3. Number of FFY 2008 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):

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

### Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):

N/A

1. Number of remaining FFY 2007 findings noted in OSEP's June 2010 FFY 2008 APR response table for this indicator	N/A
---	-----

## APR Template – Part B (4)

MARYLAND  
State

2. Number of remaining FFY 2007 findings the State has verified as corrected	N/A
3. Number of remaining FFY 2007 findings the State has not verified as corrected [(1) minus (2)]	0

**Verification of Correction of Remaining FFY 2007 findings:**  
N/A

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:**  
N/A

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable):**  
N/A

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:**

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, *A Review of Disproportionality of Racial Groups in Special Education* to assist in the review of its policies, procedures and practices 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.

In addition a review of records of newly identified students in the disproportionate race is required. Section 12 of the *Special Education Student Record Review* document is to be used for this purpose.

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).

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):**



## Part B State Annual Performance Report (APR) for FFY 2009

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Disproportionality**

**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.

**In analyzing data for this indicator, the State must:**

The State used its 618 data, collected the last Friday in October, 2009, from each of the 24 local school systems, and reported in the 2009 *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

**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. **One local school system was excluded from the calculation because the minimum “n” size was not met.**

	Mental Retardation	Specific Learning Disabilities	Emotional Disturbance	Speech or Language Impairments	Autism	Other Health Impairments
<i>African American</i>						
# of LSS	7	4	7	1	0	3
% of LSS	29%	17%	29%	4%	0%	12.5%
<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	3	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 sixteen local school systems were identified as meeting the data threshold for disproportionate representation of racial and ethnic groups in specific disability categories. (Step One)

**Step Two: Determining if Disproportionate Representation is the Result of Inappropriate Identification**

The policies and procedures for the identified sixteen local school systems were provided to MSDE. Compliance monitors reviewed the policies and procedures and found all sixteen to be in compliance with the requirements of 34 CFR §300.111, §300.201, and §300.301 through § 300.311. In addition to reviewing policies and procedures, MSDE conducted a review of records of each African American student identified in the six disability categories during the 2009-2010 school year to ensure compliance with requirements related to child find, evaluation and eligibility. Based on the results of the record review and the review of policies and procedures all sixteen local school systems were compliant with the requirements of 34 CFR §300.111, §300.201, and §300.301 through § 300.311.

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.

**Actual Target Data for FFY 2009:**

FFY	Measurable and Rigorous Target
FFY 2009 (2009-2010)	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.

0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories are disproportionate as the result of inappropriate identification.

**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 Districts with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification	Percent of Districts
FFY 2009 (2009-2010)	24	16	0	0%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

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.

## APR Template – Part B (4)

MARYLAND  
State

### Correction of FFY 2008 Findings of Noncompliance (if State reported more than 0% compliance):

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: 100%

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	0
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

### Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

1. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	0
2. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
3. Number of FFY 2008 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

### Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

N/A

### Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):

1. Number of remaining FFY 2007 findings noted in OSEP's June 2010 FFY 2008 APR response table for this indicator	0
2. Number of remaining FFY 2007 findings the State has verified as corrected	0
3. Number of remaining FFY 2007 findings the State has not verified as corrected [(1) minus (2)]	0

### Verification of Correction of Remaining FFY 2007 findings:

N/A

**Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:**

N/A

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable):  
*Provide information regarding correction using the same Table format provided above.***

N/A

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

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:**

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.

Local school systems were provided a comprehensive document entitled, *A Review of Disproportionality of Racial Groups in Special Education* to assist in the review of its policies, procedures and practices 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.

In addition a review of records of newly identified students in the disproportionate race is required. Section 12 of the *Special Education Student Record Review* document is to be used for this purpose.

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.

In addition a review of records of newly identified students in the disproportionate race is required. Section 12 of the *Special Education Student Record Review* document is to be used for this purpose.

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.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):**

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the State Performance Plan Development:

Please refer to the Overview, pages 1-3.

**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
<b>FFY 2009 (2009-2010)</b>	100% 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.

**Actual Target Data for FFY 2009: 95.46% – Target not Met**

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

a. Number of children for whom parental consent to evaluate was received	<b>17998</b>
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	<b>17180</b>
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	<b>95%</b>

**Measurement:** 17180 divided by 17998 X 100 = 95.46%

**Account for children included in (a) but not included in (b):**

Federal and State timeline exceptions include **282 students** distributed as stated below:



- 110 students whose parent repeatedly failed or refused to make child available [§300.301(d)(1)
- 7 students enrolled after the 60-calendar day timeframe had 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
- 165 students were not able to be determined due to withdrawals, i.e., transfer (Student transferred out of the LSS where the evaluation was started and that LSS could no longer track them.), dropout; parent withdrew consent.

***Indicate the range of days beyond the timeline and provide reasons for the delays:***

Public agencies also reported a total of **1084 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:

- 515 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
- 569 students Parent & IEP team have a written agreement to extend timeline [COMAR 13A.05.01.04(a)] (578).

Public agencies reported a total of **536 students** as having "**unacceptable reasons for delay,**" which included:

- 33 students inclement weather;
- 136 students paperwork error;
- 12 students inconclusive testing results;
- 30 students child not available (not parent failure)/child refusal);
- 76 staffing issue; and
- 249 other reason(s).

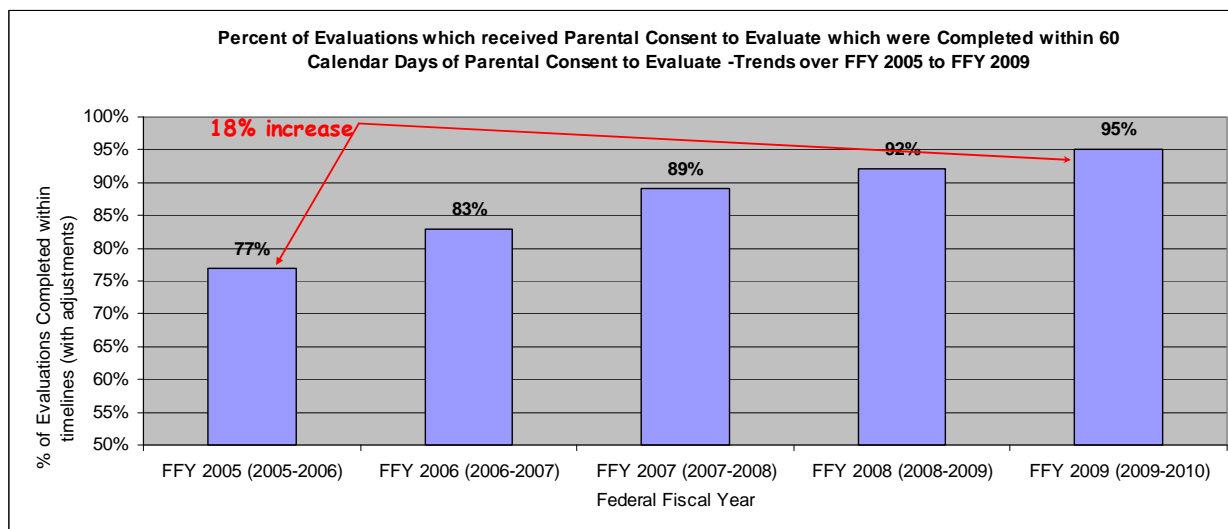
In order to more closely analyze the root causes for delay, the Division collects data on the number of days beyond 60 days for delays considered acceptable reasons for delay (1084) and unacceptable reasons for delay (536). A total of 1620 students were not evaluated within 60 days of parental consent for evaluation, the range of days for all reasons clustered as follows:

- 918 (56.65%) - 1 day to 15 days
- 568 (35.06%) - 16 to 45 days
- 134 (8.29%) - 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 2009.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:**

In FFY 2009, 95% 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 3 percentage points from FFY 2008 ( 92%), and steady improvement from FFY 2005 ( 77%) to FFY 2009 (actual is 95%). MSDE’s progress narrowed the gap between the State target of 100% and actual data showing a 18 percentage point increase in compliance over 4 years.



In FFY 2009 a comparison of local school systems and public agencies (LSS/PAs) shows, eight (8) LSS/PAs meet the State’s target of 100%. In FFY 2008, six (6) LSS/PAs meet the State’s target of 100%, and in FFY 2007, one (1) LSS/PAs meet the State’s target of 100% and in FFY 2007 no LSS/PAs meet the State’s target of 100%. This trend of improvement is also demonstrated by the number of LSS/PAs which were at or above 95% target. In FFY 2007 six (6) LSS/PAs were at or above 95% target and the improvement is demonstrated in FFY 2009 24 LSS/PAs were at or above 95% target with only one (1) LSS/PAs below the 95% target at 91%. This is demonstrated graphically on the SPP public web site: <http://mdideareport.org/CompareSpp.aspx?IndicatorID=25>

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.

**Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance):**

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: 92%

Timely correction occurs when noncompliance is corrected and verified as soon as possible but in no case later than one year (ASAPBINCLTOY) from the date of written notification of noncompliance. This includes both a student specific finding and systemic finding of noncompliance. When MSDE, DSE/EIS issues a written finding of noncompliance to a local school system (LSS) public agency (PA) a corrective action plan (CAP) is required. The CAP is required to include actions and strategies designed by the LSS/PA to timely correct the areas of noncompliance as soon as possible but in no case later than one year (ASAPBINCLTOY). During the duration of the corrective action or implementation of the CAP and prior to its completion, MSDE, DSE/EIS will require the LSS/PA to implement specific actions including collecting data and conduct a review of records to determine if correction of noncompliance has been achieved.

## APR Template – Part B (4)

MARYLAND  
State

To confirm correction of noncompliance in the LSS/PA, the DSE/EIS must review updated data and other information secured through monitoring verification activities demonstrating that the LSS/PA is correctly implementing the specific regulatory requirement(s) using the two-prong test:

1. Verify that the LSS/PA has corrected each individual case of noncompliance; and,
2. Verify that the LSS/PA is correctly implementing the specific State or regulatory requirements based on the State's review.

The CAP may be closed after a new selection of updated records is reviewed and the LSS/PA is correctly implementing the requirement(s) at the level of 100%.

Based on a desk-audit of the State's annual Indicator 11 data, there were 14 findings of noncompliance identified by the Office of Quality Assurance and Monitoring. An additional four findings of noncompliance were identified through the State's compliant process related to initial evaluation timelines. These occurred in three local school systems. All were corrected within one year.

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	<b>18</b>
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	<b>18</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

### **Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):**

1. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	<b>0</b>
2. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>0</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	<b>0</b>

### **Actions Taken if Noncompliance Not Corrected:**

NA

### **Verification of Correction (either timely or subsequent):**

MSDE staff and consultants verify that noncompliance is corrected for the individual students for whom the noncompliance was first identified (Prong 1). Upon verification of correction for individual students, a review of updated record is conducted for students similarly situated, to ensure the correction has been extended to all students in the LSS/PA (Prong 2). The review is conducted within one year from the date of the written finding and may be conducted on-site and/or as a desk audit. Data that are reviewed includes policies and procedures, student's records, other related documentation, and data reports, as appropriate to the review. This review ensures the LSS/PA is properly implementing the regulatory requirement(s). Correction must be at the level of 100% to be considered compliant.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:**

In each of the 14 LSS/PA with timeline violations under Indicator 11, student records were reviewed using MSDE’s 2 prong verification procedures to determine if: proper documentation existed to support the delay; the student’s delay was properly coded as acceptable or unacceptable; and, the evaluation process was completed unless the student was no longer under the jurisdiction of the LSS/PA or the parent withdrew consent (Prong 1). Upon verification for each individual student, an additional record review is conducted using updated records of similarly situated students, to ensure compliance with the requirements system-wide (Prong 2). The desk audit of the State’s annual Indicator 11 data also targets those LSS/PAs reporting 100% compliance using the same procedures as above to confirm the accuracy of the reported data. For all LSS/PAs, monitoring activities include a review of the LSS/PAs system of general supervision to ensure there are processes and procedures in place to intervene before a timeline violation occurs. This has had a positive impact as is evidenced by the data.

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):**

1. Number of remaining FFY 2007 findings noted in OSEP’s June 2010 FFY 2008 APR response table for this indicator	0
2. Number of remaining FFY 2007 findings the State has verified as corrected	0
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	0

**Verification of Correction of Remaining FFY 2007 findings:**

There were no remaining FFY 2007 findings of uncorrected noncompliance.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:**

NA

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable):**

There were no remaining FFY 2006 or earlier findings of uncorrected noncompliance.

**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 demonstrate, in the FFY 2009 APR, that the State is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2008, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	The State’s data for FFY 2008 was below the 100% target. In that reporting year, the State’s data showed 92.0% of children had their evaluations completed according to the required timeline or had an acceptable reason for delay. For that data year, each public agency reviewed policies and procedures for compliance with the requirements and demonstrated that the evaluations were completed, although late, unless the child was no longer within the jurisdiction or the parent had withdrawn consent. The State verified correction in

	each of the public agencies based on the proper implementation of policies and procedures; completion of the evaluation for each student whose evaluation was late; and a random review of a sample of records to ensure compliance.
<p>The State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02.</p> <p>In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>The State's annual FFY 2009 data was noncompliant. In those public agencies with findings of noncompliance, the State implemented specific actions:</p> <ul style="list-style-type: none"> <li>• The State determined that policies were compliant with requirements and procedures were correctly implemented.</li> <li>• For students whose evaluations were conducted outside of timelines, the State verified the evaluation was completed, although late. If the evaluation was not completed, the State verified documentation that showed the student was no longer in the agency or parent withdrew consent.</li> <li>• The State also verified an additional sample of records to ensure compliance with requirements.</li> </ul>
<p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>	<p>The State has focused its technical assistance activities on working with public agencies to improve its systems of general supervision to identify and correct noncompliance. That focus has been modified to work with public agencies to improve systems of general supervision to prevent, identify and correct noncompliance.</p>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:**

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 in the table below:

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):**

Improvement Activity	Timeline	Resources	Justification
<p>The State's technical assistance activities to LSS/PAs will focus on general supervision procedures and practices to identify and correct noncompliance in a timely manner.</p> <p><b>NEW</b></p>	<p>September 2009 through June 30, 2013</p>	<p>Office of QAM CIDP DSE/EIS staff</p>	<p>The State's technical assistance to public agencies is modified to focus on procedures to <u>prevent</u> timeline violations and identify and correct findings of noncompliance.</p>

Provide Technical Assistance/Training/Professional Development			
Implement enhancements to SSIS OR MDSSIS.ORG to capture all data needed for Indicator 11 and by 2011 eliminate the Excel data collection sheets  <b>REVISED</b>	July 2010 through June 30, 2013	DSE/EIS Data Staff JHU/CTE DSE/EIS Program Staff QAM Monitoring Staff	Revised timeline to reflect the remaining years of the SPP.
Assist local school systems to identify root causes of failure to correct noncompliance.  <b>REVISED</b>	July 2009, ongoing through June 30, 2013	DSE/EIS QAM Monitoring staff LSS Staff	Revised timeline to reflect the remaining years of the SPP.
Assist local school systems with 10,000+ students with disabilities, to identify strategies to effectively monitor implementation practices of staff.  <b>REVISED</b>	March 2008 and ongoing through June 30, 2013	DSE/EIS QAM Monitoring staff LSS Staff	Revised timeline to reflect the remaining years of the SPP.
Improve Systems Administration and Monitoring			
Continue to apply correction of Indicator 11 to discretionary grant funds until all LEAs are compliant.  <b>REVISED</b>	March 2008, ongoing through June 30, 2013	DSE/EIS Program, QAM Monitoring Staff Grant Staff	Revised timeline to reflect the remaining years of the SPP.
Improve Data Collection and Reporting			
Evaluate quarterly reporting of data as a measure of compliance.  <b>REVISED</b>	September 2009 and ongoing through June 30, 2013	DSE/EIS Date Staff JHU/CTE DSE/EIS Program Staff QAM Monitoring Staff	Revised timeline to reflect the remaining years of the SPP.

As of November 1, 2010, MSDE began collecting data for Indicator 11 in the SSIS data collection. The data fields for Indicator 11 are currently available but not required. As of November 1, 2011 the fields will become required. MSDE expects that by November 1, 2012, the data for Indicator 11 will be collected entirely through SSIS and the excel spreadsheets will no longer be necessary.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

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 for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were 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 or to whom exceptions under 34 CFR §300.301(d) applied.
- 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 2009 (2009-2010)	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 2009: 99.73% Target Not Met**

**Data Collection Methodology:** For the reporting period, data were collected through an Excel spreadsheet submitted by all local school systems and two public agencies, with a submission deadline of September 30, 2010. In addition, data were required to be submitted quarterly during FFY 2009 in order to provide a mechanism for periodic review at the State level for accuracy, and for follow-up contact with a local school system or public agency based on the outcomes of the State level data review.

As of November 1, 2010, MSDE began collecting data for Indicator 12 in the SSIS data collection. The data fields for Indicator 12 are currently available but not required. As of November 1, 2011 the fields will become required. MSDE expects that by November 1, 2012, the data for Indicator 12 will be collected entirely through SSIS and the excel spreadsheets will no longer be necessary.

Actual State Data (Numbers)

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	2490
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	251
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	2201
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	32
e. # of children who were referred to Part C less than 90 days before their third birthdays.	0
# in a but not in b, c, d, or e.	6
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)] * 100	99.73%

Account for Children Included in a, but not in b, c, d, or e:

*MSDE used the optional OSEP template for B12 that self calculates and rounded 99.73% to 100%.*

Of the six (6) children included in a, but not in b, c, d, or e, reasons for the IEP not being in effect on the 3<sup>rd</sup> birthday were: 4 due to an acceptable State reason of inclement weather, 1 due to an otherwise unspecified paperwork error, and 1 due to the early intervention record being provided to the LSS by the Local Infants and Toddlers Program in order to move forward in a timely manner with Part B eligibility determination.

Local school systems and public agencies reported a total of 22 out of 31 students, or 70.97%, 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 – 17 or 54.84% (vs. 49.5% for FFY 2008)
- 16 to 45 days – 12 or 38.71% (vs. 3.37% for FFY 2008)
- Beyond 45 days – 2 or 6.45% (vs. 1.1% for FFY 2008)



**Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2008 APR):**

Level of compliance (actual target data) State reported for FFY 2008 for this indicator: 97.28%

Timely correction occurs when noncompliance is corrected and verified as soon as possible but in no case later than one year (ASAPBINCLTOY) from the date of written notification of noncompliance. This includes both a student specific finding and systemic finding of noncompliance. When MSDE, DSE/EIS issues a written finding of noncompliance to a local school system (LSS) public agency (PA) a corrective action plan (CAP) is required. The CAP is required to include actions and strategies designed by the LSS/PA to timely correct the areas of noncompliance as soon as possible but in no case later than one year (ASAPBINCLTOY). During the duration of the corrective action or implementation of the CAP and prior to its completion, MSDE, DSE/EIS will require the LSS/PA to implement specific actions including collecting data and conduct a review of records to determine if correction of noncompliance has been achieved.

To confirm correction of noncompliance in the LSS/PA, the DSE/EIS must review updated data and other information secured through monitoring verification activities demonstrating that the LSS/PA is correctly implementing the specific regulatory requirement(s) using the two-prong test:

1. Verify that the LSS/PA has corrected each individual case of noncompliance; and,
2. Verify that the LSS/PA is correctly implementing the specific State or regulatory requirements based on the State’s review.

The CAP may be closed after a new selection of updated records is reviewed and the LSS/PA is correctly implementing the requirement(s) at the level of 100%.

Based on a desk-audit of the State’s annual Indicator 12 data, there were three (3) findings of noncompliance identified by the Office of Quality Assurance and Monitoring. One (1) additional finding was made by the State’s complaint system. All were corrected within timelines.

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	<b>4</b>
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	<b>4</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>0</b>

**Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):**

1. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	<b>0</b>
2. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	<b>0</b>
3. Number of FFY 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	<b>0</b>

**Actions Taken if Noncompliance Not Corrected: N/A**

**Verification of Correction (either timely or subsequent):**

MSDE staff and consultants verify that noncompliance is corrected for the individual student for whom the noncompliance was first identified (Prong 1). Upon verification of correction for individual students, a review of updated record is conducted for students similarly situated, to ensure the correction has been extended to all students in the LSS/PA (Prong 2). The review is conducted within one year from the date of the written finding and may be conducted on-site and/or as a desk audit. Data that are reviewed includes policies and procedures, student’s records, other related documentation, and data reports, as appropriate to the review. This review ensures the LSS/PA is properly implementing the regulatory requirement(s). Correction must be at the level of 100% to be considered compliant.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:**

In each of the three LSS/PAs failing to have an IEP in place by the child’s third birthday, the student’s record was reviewed to determine if: proper documentation existed to support the delay; the student’s delay was properly coded as acceptable or unacceptable; and, the process was completed unless the student was no longer under the jurisdiction of the LSS/PA or the parent withdrew consent. Upon verification for each individual student, an additional record review is conducted using updated data of similarly situated students, to ensure compliance with the requirements. This second stage of the review ensures the LSS/PA is properly implementing the regulatory requirement(s) for students within the LSS/PA system-wide. The desk audit of the State’s annual Indicator 12 data also targets those LSS/PAs reporting 100% compliance using the same procedures as above to ensure the accuracy of the reported data. For all LSS/PAs, monitoring activities include a review of the LSS/PAs system of general supervision to ensure there are processes and procedures in place to intervene before a timeline violation occurs. This has had a positive impact as is evidenced by the data.

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable) Not Applicable**

1. Number of remaining FFY 2007 findings noted in OSEP’s June 2010 FFY 2008 APR response table for this indicator	0
2. Number of remaining FFY 2007 findings the State has verified as corrected	0
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	0

**Verification of Correction of Remaining FFY 2007 findings:**

**Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:**

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable)**

**Actions Taken if Noncompliance Not Corrected:**

**Verification of Correction (either timely or subsequent):**

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

Statement from the Response Table	State’s Response
<p>The State must report, in its FFY 2009 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP, although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the State must describe the specific actions that were taken to verify the correction.</p>	<p>In those public agencies with findings of noncompliance, the State implemented specific actions:</p> <ul style="list-style-type: none"> <li>• The State determined that policies were compliant with requirements and procedures were correctly implemented.</li> <li>• For students whose transition from Part C to Part B were conducted outside of timelines, the State verified the transition and services were implemented, although late. If the transition was not completed, the State verified documentation that showed the student was no longer in the agency or parent withdrew consent.</li> </ul> <p>The State also verified an additional sample of records to ensure compliance with requirements.</p>
<p>If the State does not report 100% compliance in the FFY 2009 APR, the State must review its improvement activities and revise them, if necessary.</p>	<p>For FFY 2009 Maryland achieved 100% compliance</p>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2009:**

Joint monitoring activities continued through FFY 2012 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 were reported publicly for all local school systems.

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Please refer to the Overview.

**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))

**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 2009 (2009-2010)	100%

**Actual Target Data for FFY 2009:**

<b>99.57%</b>
---------------

MSDE identified 232 findings of noncompliance. Of these **231** were corrected and verified within one year of identification.

Indicator B Worksheet; also included in Attachment A

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008 (7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification (FFY 2009)
1. Percent of youth with IEPs graduating from high school with a regular diploma.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
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.	Dispute Resolution: Complaints, Hearings	0	0	0
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
7. Percent of preschool children with IEPs who demonstrated improved outcomes.	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	2	2	2
4B. 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.	Dispute Resolution: Complaints, Hearings	0	0	0
5. Percent of children with IEPs aged 6 through 21 -educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	19	19
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution: Complaints, Hearings	3	6	6
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	0	0	0
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	14	14	14
	Dispute Resolution: Complaints, Hearings	3	4	4

# APR Template – Part B (4)

MARYLAND  
State

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	3	3	3
	Dispute Resolution: Complaints, Hearings	1	1	1
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	3	13	13
	Dispute Resolution: Complaints, Hearings	2	2	2
<b>Other Areas of Noncompliance</b>				
Other areas of noncompliance: Behavior Intervention (COMAR 13A.08.04)	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	2	2	2
Other areas of noncompliance: Compulsory School Attendance	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance: FAPE in the LRE	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	6	6	6
	Dispute Resolution: Complaints, Hearings	16	118	118
Other areas of noncompliance: Timely and Accurate Data	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	9	9	9
	Dispute Resolution: Complaints, Hearings	0	0	0
Other areas of noncompliance: Procedural Safeguards, Prior written notice, parent surrogate, consent, translation of documents	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	11	15	15
Other areas of noncompliance: Disciplinary Procedures	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	1	1	0
	Dispute Resolution: Complaints, Hearings	4	8	8
Other areas of noncompliance: Records	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	3	5	5
Other areas of noncompliance: Identification, Evaluation, Reevaluation	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	3	3	3
<b>Sum the numbers down Column a and Column b</b>			232	231
<b>Percent of noncompliance corrected within one year of identification =</b>			<b>99.57%</b>	
Note: [column (b) sum divided by column (a) sum] times 100.				

**Describe the process for selecting LEAs for Monitoring:**

The State's process for selecting LSS/PA for monitoring is based on the State's system of general supervision. The State classifies its monitoring into four components, each having a specific purpose. Each is part of the State's overall system of general supervision known as *Monitoring for Continuous Improvement and Results*. The components of monitoring for continuous improvement are: Self-Assessment Verification; Focused Monitoring; Comprehensive Monitoring; and, Enhanced Monitoring for Continuous Improvement and Results.

Each year the State engages in a process known as *Self-Assessment Verification* in each of the 24 local school systems (LSSs) and 6 public agencies (PAs) in the State. The *Self-Assessment* is a document in which LSSs/PAs report annual data for each of the 20 indicators required for reporting in the APR. This data is published by the State and is used for making "determinations" for each LSS/PA.

The purpose of *Self-Assessment Verification* is to verify the accuracy of the data submitted to the MSDE by LSS/PAs to ensure the correction of noncompliance was made at the student level and system level. The State reviews the accuracy of the data by examining student records, documentation of acceptable reasons for delay (Indicators 11 and 12), policy/procedure documents, as appropriate, and ensures that the indicator requirement has been completed for timeline violations (unless the student is no longer within the jurisdiction of the LSS/PA or the parent has withdrawn consent). This process is implemented in each LSS/PA in the State on an annual basis.

*Focused Monitoring* is topical and based on patterns of noncompliance from the State's complaint system, data and other information that identifies an area of possible concern to the State. Specific areas may also be identified by the Assistant State Superintendent who uses Focused Monitoring at her discretion as a response to patterns of external or internal complaints, including those from the Special Education State Advisory Committee. The area of focus may be monitored in each LSS/PA, in selected LSS/PAs or just one LSS/PA. This is determined by the scope of the concern and quantitative and/or qualitative data that supports such a review. Any LSS/PA is subject to a focused monitoring if the State determines a review is necessary. Historically, a minimum of one focused monitoring review activity has been implemented each year with findings based on the results.

*Comprehensive Monitoring* is broad-based, cyclical and designed to ensure implementation of special education regulations are implemented in accordance with IDEA and the State's COMAR requirements. Comprehensive monitoring is scheduled for each LSS/PA at least once every six years or sooner, if needed. The State has an established a monitoring schedule that serves to notify LSS/PAs when such a monitoring will occur. At the end of each year, the chart is reviewed to determine if any changes are necessary.

*Enhanced Monitoring for Continuous Improvement and Results (EMCIR)* is implemented by the State when a LSS/PA has a documented history of sustained noncompliance. The EMCIR process involves intensive oversight and an increased level and frequency in on-site monitoring by the State during each year the LSS/PA is in such a status. Continuous MSDE monitoring and review under EMCIR is to ensure progress is made toward correction; and, once correction has been achieved, that compliance is maintained over time. This process involves enforcements that are deemed appropriate to ensure progress toward correction of noncompliance and the target for compliance is met.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:**

Improvement in the State's system of general supervision processes, data collection and use have resulted in an improved rate of timely correction of noncompliance. To reach the 99.57% level of correction the State has implemented a number of improvement activities over time. These activities, summarized in the chart below, have resulted in processes and procedures that have been integrated into the State's system of general supervision and are now part of daily practice. As a result of the activities, the State's system of general supervision is designed to identify and correct noncompliance in a manner



that is consistent with OSEP requirements, including OSEP Memo 09 – 02. As a result, the improvement activities below are completed and will not appear in future APR reports. Revised improvement activities that focus on specific efforts to increase timely correction of noncompliance and sustain compliance are listed in the last section of this document.

<b>Summary of Completed Improvement Activities</b>
Based on an analysis of the data, implement TA activities that addresses targeted areas in LSS/PAs.
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.
Clarify and expand enforcement activities.
Work with PAs to ensure adequate systems are in place that are designed to self-identify, monitor, and correct noncompliance.
Update the monitoring manual.

**Timely Correction of FFY 2008 Findings of Noncompliance (corrected within one year from identification of the noncompliance):**

For noncompliance identified in FFY 2008, due for correction in FFY 2009, all findings of noncompliance were verified as corrected within the one year timeline. The finding of noncompliance that was not corrected was a student specific and systemic finding related to secondary disciplinary removal. These were identified in a large school system that is experiencing an increasing number of challenges in personnel stability.

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009) (Sum of Column a on the Indicator B15 Worksheet)	<b>231</b>
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)	<b>230</b>
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>1</b>

**FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):**

1. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	<b>1</b>
2. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	<b>0</b>
3. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	<b>1</b>

**Actions Taken if Noncompliance Not Corrected**

In order to address the one FFY 2008 uncorrected finding, as reported above and on the B-15 worksheet under, “Other Areas of Noncompliance - disciplinary procedures,” the State’s has increased the level of supervision in the LSS/PA and has required revision of the corrective action plan to ensure correction of the identified noncompliance. The MSDE has assigned a consultant to meet with the school system to review updated data and results of actions that were taken in the area of disciplinary removal. Activities included periodic record reviews, staff development provided by the MSDE staff and scheduled review

and technical assistance to assess progress and actions required for improvement. The school system is also required to summarize data to report to the State according to a specific timeline established in the corrective action plan.

Since this is one of the State's largest school systems with two areas of uncorrected findings of noncompliance (a find remains from FFY 2007), the MSDE is closely monitoring the progress of the system through regularly scheduled meetings led by the Assistant State Superintendent of Special Education/Early Intervention Services. The group reports information to the Maryland State Superintendent, who, in turn, meets with the local superintendent to discuss these and the many other challenges facing the school system.

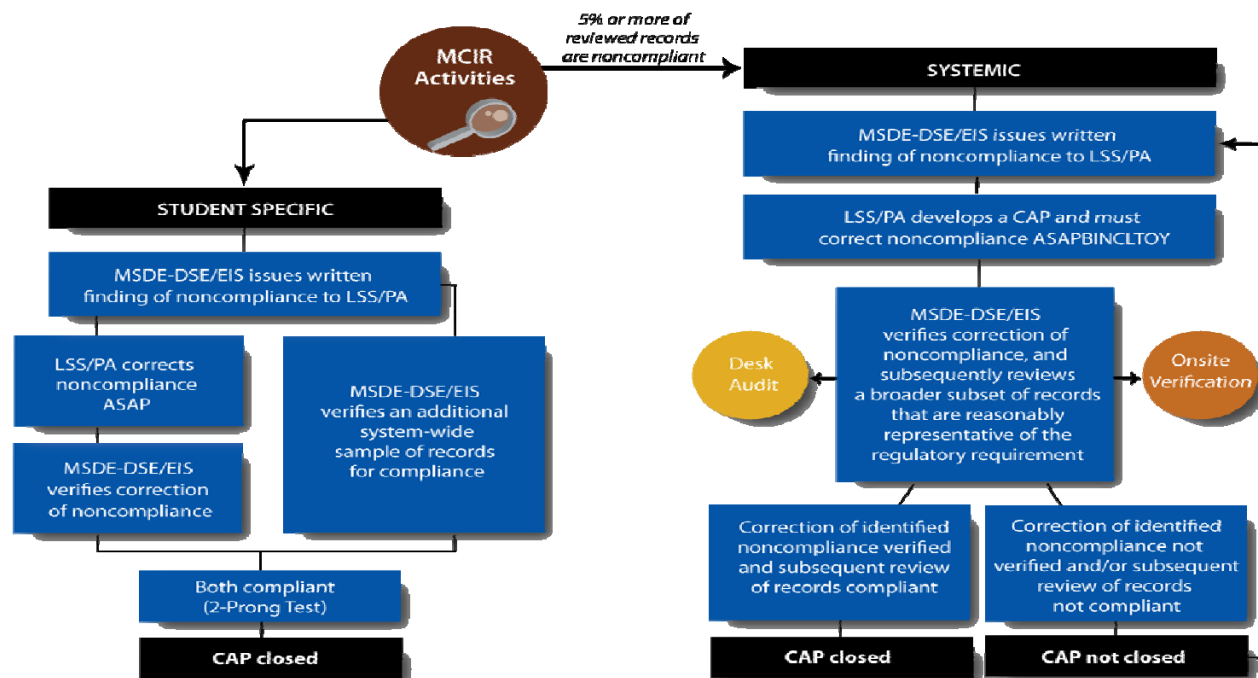
### **Verification of Correction for findings of noncompliance reported in the FFY 2009 APR (either timely or subsequent):**

The MSDE verifies the correction of findings of noncompliance made as a result of its general supervision system components. These include, but are not limited to findings made during desk-audit or onsite monitoring activities, Self-Assessment/ APR data review, record review, complaints or hearings.

Noncompliance results from monitoring activities identified through an annual review of the State's data system, on-site monitoring, and other monitoring procedures and by the MSDE. Upon a finding of data-based, systemic or individual student noncompliance, the LSS/PA is notified of the finding that includes the citation, the level of noncompliance identified and of the requirement for correction as soon as possible but in no case later than one year from the date of identification. During the correction period, public agencies review and revise policies and procedures, provide staff development and seek technical assistance, as needed. Technical assistance provided by the MSDE staff ensures correction in the records for individual students and correction for other similarly situated students.

To verify systemic or individual student correction made during a review of student records, the MSDE uses on-site or desk audit methods. The MSDE staff and consultants verify that the noncompliance is corrected using a two prong procedure. First (Prong 1), a review of the records where the noncompliance was first identified are reviewed to determine if correction has occurred, or, the requirement was completed (for timeline violations), unless the child is no longer within the jurisdiction or the parent has withdrawn consent. Then (Prong 2), an additional review is conducted in a sample of records of other similarly situated students to determine the level of compliance. If both reviews result in 100% compliance, then correction has been achieved and the corrective action is closed.

The annual review of data results in findings of data-based noncompliance. Verification of correction also utilizes the two prong procedure. Prong 1, the records of students where there was a violation that resulted in noncompliant annual data is reviewed to determine if correction occurred, or was completed (for timeline violations). Prong 2, using updated quarterly data, an additional sample of student records are selected to verify correction is applied to current records. If the review results in 100% correction or completion, and 100% compliance is found in the updated records, then the noncompliance is considered corrected and the corrective action is closed.



All verification procedures are conducted within one year from the date of the written finding and include the review of policies and procedures, student records, other related documentation, as well as updated data reports, as appropriate to the noncompliance. The verification procedures must demonstrate the LSS/PA is properly implementing the regulatory requirement(s) at the level of 100% to be considered compliant.

**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):**

The State verifies correction of noncompliance identified through its Monitoring for Continuous Improvement and Results process and dispute resolution activities. As part of its data collection process, the State implemented an “Indicator 15 data base” during this reporting period for the purpose of collecting data regarding identification of noncompliance and correction of noncompliance across the DSE/EIS. This system provides dates associated with monitoring activities such as findings by nature, type, individual student, systemic, and dates associated with verification of correction by each LSS/PA. This system assists the MSDE to monitor and track the status of correction of noncompliance and identify patterns of violations that need to be addressed.

After findings are made and prior to verification activities, the State provides technical assistance tailored to the identified area of noncompliance; first by ensuring policies and procedures are consistent with the requirement, then by reviewing implementation procedures and finally by reviewing each student’s individual record to ensure there is documented evidence of correction. As a part of the process, the MSDE works with the LSS/PAs to identify root causes and to periodically monitor data to ensure progress is being made. These practices, along with increased oversight and data collection have enabled the State to improve its rate of correction.

To verify correction made for findings made in FFY 2008 based on annual Indicators 4, 9, 10, 11, 12, and 13 data, the State used its quarterly data system that was implemented the previous year. In LSS/PAs where the annual data indicates 100% compliance as reported by the LSS/PA in its *Self-Assessment* document submitted to the MSDE, the MSDE schedules a *Self-Assessment Verification* review. The purpose of the review is to verify the data to ensure the data are accurate and can be later used for making a determination status. For LSS/PAs that reported noncompliant data, a *Self-Assessment*

*Verification* review requires the revision of policies and procedures, as needed, and reviewed the files where the noncompliance was identified to verify correction or completion of the requirement (Prong 1), and reviewed a sample of additional files, as described above (Prong 2). Reviews must result in 100% compliance to be considered corrected.

Correction of noncompliance made as a result of *Focused Monitoring* began with a desk audit of policies and procedures and data submitted by the LSS/PA that is related to the area of focus. This is followed by an on-site visit, if necessary, to verify the documentation and data. If a finding is made, noncompliance is corrected using the MSDE's 2 prong verification procedures. First, by ensuring policies and procedures are revised, as necessary, and by verifying correction in the student records where the noncompliance was first identified and then in an additional sample of records.

*Comprehensive Monitoring* may identify multiple areas requiring correction. Again, as described previously, the State requires revisions to policies and procedures, as necessary, and, using the 2 prong verification procedure, verifies correction in the student's record for each finding of noncompliance identified during the first review of records. Then, using the same record review procedures, conducts a review of an additional sample of records. All MSDE reviews must result in 100% compliance to be considered corrected.

Depending on the status of correction the MSDE initiates enforcement actions. For this reporting period, and under EMCIR processes, one local school system with a long standing record of noncompliance has been assigned an intensive level of oversight and monitoring by the MSDE as described earlier in this document. Another school system, in its second year of correction, has had the level of oversight and monitoring increased to ensure progress toward correction. An additional school system, with first year corrective actions in more than one area has also been assigned with an MSDE consultant to meet and review progress toward correction on a scheduled basis.

**Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable)**

If the State reported <100% for this indicator in its FFY 2008 APR and did not report that the remaining FFY 2007 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2007 findings noted in OSEP's June 2010 FFY 2008 APR response table for this indicator	1
2. Number of remaining FFY 2007 findings the State has verified as corrected	0
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	1

The State's primary action taken if noncompliance is not corrected is adjusting the level of supervision in the LSS/PA and revising the corrective action plan to reflect the increased oversight. The State has increased the level of oversight and technical assistance provided to the school system that was not able to timely correct noncompliance in the area of secondary transition. Increased oversight and technical assistance have State staff and consultants work with the LSS to conduct periodic reviews of student records in order to assist the PA in identifying the root causes of the continuing noncompliance and select strategies that will ultimately correct the noncompliance in a timely manner.

The school system is also required to conduct self-reviews and report summarized data to the State according to a specific timeline established in the corrective action plan, meet with consultants on a scheduled basis and provide staff development. The MSDE has assigned a consultant to meet with the school system to review updated data and results of corrective action plan activities. The revised corrective action plan includes staff development on the revised requirements for Indicator 13 in the LSS by the MSDE secondary transition specialist using resources from the National Secondary Transition Technical Assistance Center (NSTTAC). Oversight was provided as LSS assistant supervisors for

compliance provided additional re-training and support for schools when periodic monitoring of data demonstrated persistent noncompliance. Middle and high school special education chairpersons were trained to monitor the new Indicator 13 requirements, as well as monitor transition plans. Corrective actions also resulted in an Indicator 13 Noncompliance Report presented by the Deputy Superintendent in the LSS to the Executive Cabinet.

As noted in the discussion of uncorrected findings of noncompliance in FFY 2008, this jurisdiction is one of the State's largest school systems. The MSDE is closely monitoring the progress of the system through regularly scheduled meetings led by the Assistant State Superintendent of Special Education/Early Intervention Services.

**Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable)**

Uncorrected findings from FFY 2006 and 2005 continue in the LSS which was formally under a Consent Decree and now under a Settlement Agreement. This LSS has demonstrated progress toward the targets but has not attained the 100% compliance level needed at the systemic level related to discipline, LRE and the accurate reporting of exit data. Challenges remain in the consistent application of related requirements in these areas.

1. Number of remaining FFY 2006 findings noted in OSEP's June 2010 FFY 2007 APR response table for this indicator	1
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

The finding made in FFY 2006, which is reported as not corrected in the FFY 2008 APR, was in the area of secondary transition. This continuing violation is in the large school system formerly under a Consent Decree and now under a Settlement Agreement.

In order to address the failure to correct the noncompliance, the MSDE continues to implement the Enhanced Monitoring for Continuous Improvement and Results process. This category denotes a system that requires substantial intervention. The corrective action plan has been revised and the MSDE secondary transition specialist has conducted staff development on the revised requirements for Indicator 13 using resources from the National Secondary Transition Technical Assistance Center (NSTTAC). The school system has also implemented an internal system of accountability and self-review that involves ongoing review and correction by school system support staff. Data shows improvement; however the compliance target of 100% has not been met. Refer to the next section of this report for additional information.

1. Number of remaining FFY 2005 findings noted in OSEP's June 2010 FFY 2006 APR response table for this indicator	3
2. Number of remaining FFY 2005 findings the State has verified as corrected	0
3. Number of remaining FFY 2005 findings the State has NOT verified as corrected [(1) minus (2)]	3

To support this LSS, corrective action plans are reviewed and revised, as necessary, to support continued improvements. Data are reviewed and reported at least quarterly. The special education department has the support of the Maryland State Superintendent, Assistant State Superintendent

of Special Education/Early Intervention Services and the local school system superintendent. Within this reporting period, the movement from a Consent Decree to a Settlement Agreement is evidence that improvement has been made and that accountability systems are in place to ensure continued progress toward the required targets.

Designated MSDE staff meets with school system staff on a regular basis. The State continues to conduct frequent reviews to monitor progress toward the target, prevent slippage and to ensure compliance becomes part of the everyday practices of the school system. The Assistant State Superintendent of Special Education conducts frequent reviews of progress with an MSDE workgroup. Other enforcement activities continue in the form of intensive oversight that includes on-site staff and dedicated MSDE staff to provide technical assistance and implement the enhanced and frequent monitoring reviews. The MSDE also requires frequent data reporting by the LSS to monitor the status of uncorrected noncompliance.

The result of the enhanced State monitoring (EMCIR), intensive technical assistance and the school system’s actions to clarify requirements for staff is improvement in the LSS’s accountability systems. Based on the State’s verification of data reported in 2007-2008 through 2009-2010, the school system demonstrated a positive change from 46.6% to 95% in compliance for requirements related to disciplinary removal and an improvement from 89.64% to 94.5% in related requirements for LRE decision making. Reports for exit data show improvement, however a comparison is not possible since the reporting requirement changed in 2009 - 2010. This school system also demonstrated 100% compliance and closed a system-wide action related to Indicator 11. While the State and school system acknowledge progress has been made, challenges still continue that are driven by size, staff turnover, changes to the structure of the school system and the focus on improvement in student achievement and reducing the drop-out rate.

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

Statement from the Response Table	State’s Response
In reporting correction of noncompliance in the FFY 2009 APR, the State must report that it has verified that each LEA with noncompliance identified in 2008 that has corrected the noncompliance consistent with OSEP memo 09-02. The State must describe the specific actions that were taken to verify the correction.	The one finding of noncompliance remains uncorrected. The noncompliance continues in a large school system that is facing a number of challenges. An explanation of status and actions taken by MSDE has been included in the narrative above.
The State must demonstrate in the FFY 2009 APR, that the remaining one finding of noncompliance identified in FFY 2007 and FFY 2006 and the remaining three findings identified in FFY 2005 were corrected.	Four findings remain uncorrected. As described in the discussion above, all of the uncorrected findings from FFY 2005 and 2006 occur in the school system formerly under consent decrees. Progress toward the target continues and is reported in the narrative; however, the required target has not been met.  The State is confident that the actions that have been taken and the improvements in the system to collect data and address correction of non compliances will continue to result in improvement toward meeting the required target of 100% compliance.
In responding to Indicators 11, 12 and 13 in the FFY 2009 APR, the State must report on correction of noncompliance described in this table under those indicators.	Refer to specific indicator reports.
The State must use the Indicator 15 worksheet.	The indicator 15 worksheet is embedded in the Indicator response in this APR document.

# APR Template – Part B (4)

## Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

Improvement Activities	Timeline	Resources	Justification
<p>The State’s technical assistance activities to LSS/PAs will focus on general supervision procedures and practices to identify and correct noncompliance in a timely manner.</p> <p><b>REVISED</b></p>	School Years 2009-2012	Office of QAM CIDP Branch Other DSE staff	Assist LSS/PAs staff to implement procedures to maintain a knowledgeable staff, reduce findings of noncompliance and timely correct noncompliance.
<p>General supervisory coordination meetings will focus on progress monitoring for school systems with continuing uncorrected noncompliance.</p> <p><b>REVISED</b></p>	School Years 2009-2012	Office of the Assistant State Superintendent and designated staff	Data collection and reporting must be focused on progress toward 100% correction of noncompliance.
<p>Small group, geographically based, LSS/PA staff development meetings will be held to address self-monitoring procedures to identify and correct noncompliance.</p> <p><b>REVISED</b></p>	School Years 2009-2012	Office of QAM	Increasing proficiency in the implementation of self-monitoring activities for LSS/PAs will ensure uniformity in monitoring practices.
<p>Consultant training will be conducted annually and as needed to increase inter-rater reliability.</p> <p><b>REVISED</b></p>	School Years 2009-2012	Office of QAM	Uniform monitoring practices ensure data collection procedures are fair.
<p>Increase frequency of the submission of Statewide data to improve outcomes on Indicators 11, 12 and 13.</p> <p><b>DELETE</b></p>	School Year 2009-2010	Office of the Assistant State Superintendent and designated staff	The use of annual data to make findings and the verification of quarterly data to close corrective actions are an integrated part of the State’s system of general supervision.

Part B State Annual Performance Report (APR) for FFY 2009

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**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 2009 (2009 -2010)	100% of all complaint investigations are completed within the required timelines.

**Actual Target Data for FFY 2009:** 100% - Target Met.

MSDE has continued to achieve 100% compliance as all 118 of the written, signed complaints that were filed were completed within the required timelines.

Please refer to attached Table 7.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

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.

MSDE has also emphasized the importance of early dispute resolution, consistent with IDEA 2004, and continues to provide staff development and technical assistance for MSDE staff, public agency staff, advocates, and parents regarding requirements of IDEA and special education law.

**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
- OSEP TA calls
- LRP conference calls that address legal issues in special education



## APR Template – Part B (4)

MARYLAND  
State

- 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 2010: N/A**

Part B State Annual Performance Report (APR) for FFY 2009

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**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 2009 (2009-2010)	100% of all due process hearings are completed within the required timelines.

**Actual Target Data for FFY 2009:** 100% - Target Met

MSDE achieved 100% compliance. During this reporting period, there were 20 due process hearing complaints that were fully adjudicated. All of these fully adjudicated due process hearing complaints had decisions issued within the 45-day timeline or within a timeline that was properly extended by the hearing officer.

Please refer to attached Table 7.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

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 also continues to provide professional development to Administrative Law Judges (hearing officers) on legal issues, including updates to federal and State requirements and current case law.

**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 Center

## APR Template – Part B (4)

MARYLAND  
State

- OSEP TA calls
- LRP conference calls that address 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 2010: N/A**

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the State Performance Plan Development:

Please refer to the Overview, pages 1-3.

**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
<b>FFY 2009 (2009-2010)</b>	64 – 75% of all resolution meetings conducted will result in a settlement agreement

**Actual Target Data for FFY 2009:** 70.2% - Target Met.

MSDE reports that it has continued to meet this target. Of the 111 resolution meetings that were held, 78 resulted in a settlement agreement.

Please refer to attached Table 7.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

In order to sustain performance, 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 Center
- OSEP TA calls
- LRP conference calls that address legal issues in special education
- LRP publications, including *Special Education Connection*
- Resources from other state agencies

## APR Template – Part B (4)

MARYLAND  
State

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 2010: N/A**

Part B State Annual Performance Report (APR) for FFY 2009

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**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
<b>FFY 2009 (2009-2010)</b>	Maintain 75 – 85% rate of mediations that result in mediation agreements.

**Actual Target Data for FFY 2009:** 74.3% - Target Not Met

Of the 136 mediations that were held, 101 resulted in mediation agreements. If 1 more of the mediations that had been held during this period had resulted in an agreement, MSDE would have met this target.

Please refer to attached Table 7

In addition to the 136 mediations that were held during the reporting period, there were 11 pending mediations that had been requested just prior to the end of the reporting period but which had not yet been held. These 11 mediations were held immediately after the end of the reporting period (in July 2010) and of these 11 mediations, 10 resulted in mediation agreements.

If these additional mediations had been factored into the target percentage, MSDE would have met the target. However, because the reporting deadline fell between the time that these mediations were requested and the time that they were settled, the overall percentage rate of successful mediations was negatively impacted.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:**

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 meet the target and support continued improvement.

MSDE is also utilizing 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
- OSEP National Accountability and Leadership Conferences
- CADRE resources
- Mid-South Regional Resource & Federal Center
- OSEP TA calls
- LRP conference calls that address 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 2010: N/A**

**Part B State Annual Performance Report (APR) for FFY 2009**

**Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**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 4).

FFY	Measurable and Rigorous Target
<b>FFY 2009 (2009-2010)</b>	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.

**Actual Target Data for FFY 2009:** 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 4 – Indicator 20 Scoring Rubric.

**Submission of 618 Data**

Name of Report	Date Due	Date Submitted	Flags	Response to Flags
Table 1 Child Count EDFacts	2.1.10	1.28.10	No data notes requested	
Table 2 Personnel EDFacts	11.1.10	10.27.10	*DAC asked for zero counts.	



<b>Name of Report</b>	<b>Date Due</b>	<b>Date Submitted</b>	<b>Flags</b>	<b>Response to Flags</b>
Table 3 least restrictive environment EDFacts	2.1.10	1.28.10	No data notes requested	
Table 4 Exit EDFacts	11.1.10	10.15.10	No data notes requested	
Table 5 Discipline EDFacts	11.1.10	10.18.10	*DAC asked for zero counts.	
Table 6 Assessment EDFacts	2.1.11	12.21.10		
Table 7 Dispute Resolution DTS Form	11.1.10	10.28.10	No data notes requested	

\*DAC followed up on the Personnel and Discipline EDFacts files by asking the MSDE to include zero counts in the EDFacts files. Zero counts were included and files resubmitted.

**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.

Fifteen 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 DAC Verification Reports to flag large changes in the data. Data are disaggregated to determine which local school system/public agency is involved. When disaggregated data are 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 DAC.

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 are 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 DAC and has responded within timelines to DAC'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 2009:**

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 implemented Quarterly Data Collection for all local school systems and Public Agencies as of November 1, 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 report quarterly data via file submission and excel spreadsheets. The quarterly data are uploaded to the Maryland Scorecard where local school systems and MSDE staff can track the progress of Indicator data.

As of November 1, 2010 MSDE incorporated 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

## APR Template – Part B (4)

MARYLAND  
State

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 2010:

Improvement Activities	Timelines	Resources	Justification
<p>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</p> <p><b>REVISED</b></p>	<p>June 2007 through February 2012</p>	<p>Data Collection staff/Data Managers SSIS Data Managers Directors of Special Education DES/EIS ECIE DSE/EIS Program Staff JHU/CTE DataLab USA</p>	<p>As of 7/1/2009 all students are required to have a unique ID. Unique ID numbers are crucial to the ability to link data sets. The DSE/EIS is working with the Division of Accountability and Assessment (DAA) to assure all children birth through 21 have a Unique ID number.</p>
<p>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 2012 (2012-2013).</p> <p><b>REVISED</b></p>	<p>July 2006 through February 2012</p>	<p>Data Collection staff/Data Managers SSIS Data Managers Directors of Special Education DSE/EIS ECIE DSE/EIS Program Staff</p>	<p>As of 11/1/2010 MSDE began collecting data on Indicators 11 and 12 in SSIS. It is anticipated that the need for excel spreadsheets will continue for another year. The continued use of Excel Spreadsheets, in conjunction with data submissions, assists in the verification of data accuracy.</p>
<p>DSE/EIS implemented quarterly data collection on 7/1/2009. This allows staff to review specific Indicator data on a more frequent basis.</p> <p><b>COMPLETED</b></p>			

**Attachment 1**  
**FFY 2009 Parent Surveys**  
**Preschool**  
**School-Age**

**Attachment 2**  
**FFY 2009 Indicator 15**  
**Worksheet**

# **Attachment 3**

## **FFY 2009 Table 7**

### **Dispute Resolution**



# **Attachment 4**

## **FFY 2009**

### **Indicator 20 Scoring Rubric**