

Karen B. Salmon, Ph.D. State Superintendent of Schools

State\Superintendent of School

April 10, 2019

Dr. David Cox Superintendent Allegany County Public Schools P. O. Box 1724 Cumberland, Maryland 21502

Dear Dr. Cox:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Allegany County Infants and Toddlers Program has achieved the determination status of "**Meets Requirements**."

Attached please find supporting documents:

- 1. *FFY 2017 Determination Overview* (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

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The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Allegany County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Allegany County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

arcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Debra Metheny Katherine Brown Branch Chiefs

# Allegany County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	<b>Annual SPI</b>	P Performa	ance Report		
	SPP/APR India	FFY 2	2017 (SFY 2	2018)		Previou	s Results	
Res	Results Indicator 🔜 Compliance Indicator		icator State Local Target Target Results Met			Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A,13.01.07		94.00%	100%	Met	Target met, no further action required.	98.46%	95.80%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	66.67%	Not Met	Target not met, but all services provided in a non-natural environment had a justification based on the child's needs. No further action required.	75.00%	73.10%
	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	66.67%	Met	Target met, no further action required.	66.67%	56.90%
3A		2. Exits within age expectations	59.64%	40.30%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	37.70%	52.17%
	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	65.57%	Met	Target met, no further action required.	69.09%	63.79%
3B		2. Exits within age expectations	54.53%	32.84%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	40.98%	54.41%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	66.67%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	71.67%	60.66%
		2. Exits within age expectations	50.02%	37.31%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	36.07%	47.83%

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	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)	A REAL PROPERTY AND A REAL PROPERTY AND	Previous Results			
Res	Results Indicator Compliance Indicator		tesults Indicator 📃 Compliance Indicator 🥂 St				Action Required	FFY FI 2016 20	
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	100%	Met	Target met, no further action required.	100%	95.50%		
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	100%	Met	Target met, no further action required.	100%	100%		
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	100%	Met	Target met, no further action required.	98.73%	100%		
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	3.43%	Met	Target met, no further action required.	2.27%	2.56%		
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.56%	Met	Target met, no further action required.	3.27%	3.53%		
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%		
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction within one year of the previous noncompliance identified in 16-17 noncompliance.	98.77%	100%		
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%		
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%		

	SPP/APR Indicators	FFY 2017 (SFY 2018)				Previou	s Results
Res	Results Indicator 🔜 Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
зс	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	94.29%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearing
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1.	Students with IEPs graduating with a regular diploma	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> </ol>
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
	Correction of Noncompliance	Data and Submission of Reports
Timely	y Correction of Noncompliance	Timely and Accurate
0	State Complaints	•
•	Due Process Hearings	
0	Indicator Data	
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
•	Timely and Accurate Submissions	Number of State complaints with violations
۰	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### Focused Tier

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

## **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dr. George Arlotto Superintendent Anne Arundel County Public Schools 2644 Riva Road Annapolis, Maryland 21401

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Sincerely,

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

C:

Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Bobbi Pedrick Wes Campbell Branch Chiefs

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2	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	96.61%	Met	Target met, no further action required.	95.90%	94.60%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	99.48%	Met	Target met, no further action required.	99.24%	98.80%
3A	Birth - 4 Outcomes: Use of social –	1. Exits with substantial growth	59.37%	73.95%	Met	Target met, no further action required.	77.24%	80.95%
зA	emotional skills COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	59.68%	Met	Target met, no further action required.	68.65%	64.56%
-	Birth - 4 Outcomes: Use of knowledge and	1. Exits with substantial growth	62.71%	83.21%	Met	Target met, no further action required.	87.33%	84.68%
3B	skills COMAR 13A.13.01.08	2. Exits within age expectations	54.53%	58.55%	Met	Target met, no further action required.	65.61%	62.54%
	Birth - 4 Outcomes: Use of appropriate	1. Exits with substantial growth	69.50%	86.81%	Met	Target met, no further action required.	88.71%	88.87%
3C	behaviors COMAR 13A.13.01.08	2. Exits within age expectations	50.02%	48.06%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	56.75%	51.76%
4A	Families who report EIS rights 20 U.S.C. 1416a(3)(A) at		89.00%	97.10%	Met	Target met, no further action required.	96.79%	97.5%
4B	Families who report EIS communicate their child' 20 U.S.C. 1416a(3)(A) ar	helped them s needs	87.80%	97.34%	Met	Target met, no further action required.	97.19%	96.9%
4C	Families who report EIS children develop and lear 20 U.S.C. 1416a(3)(A) ar	n	91.00%	97.34%	Met	Target met, no further action required.	97.53%	97.9%

Anne Arundel County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education

Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)	Contraction of the second state of the second state of the	Previou	s Results
Res	Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.55%	Met	Target met, no further action required.	1.44%	1.60%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	4.64%	Met	Target met, no further action required.	4.53%	4.25%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	99.83%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.81%	98.76%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	98.97%	99.71%
3A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
в	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%

2

	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)		Previou	is Results
Res	Results Indicator 🔜 Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
3C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the pervious noncompliance identified in FFY 16-17 within one year of the written	99.60%	97.27%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	finding. Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearing
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1.	Students with IEPs graduating with a regular diploma	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> </ol>
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
	Correction of Noncompliance	Data and Submission of Reports
Timel	y Correction of Noncompliance	Timely and Accurate
	State Complaints	
	Due Process Hearings Indicator Data	
•	Fiscal	Complainte and Drie Dreamer Harrison
Fiscal	Accountability	Complaints and Due Process Hearings
l'iscai	Timely and Accurate Submissions	Number of State complaints filed
		Number of State complaints with violations
•	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

### Universal Tier

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance.

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Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1)Take any of the actions described in 34 C.F.R. §300.604(a); and/or (2)
  - Take one or more of the following actions:
    - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE (i) determines that the public agency should be able to correct the problem within one year;
    - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
    - For each year of the determination, withholds not less than 20 percent and not more than 50 percent (iii) of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention:
    - Seeks to recover funds under Section 452 of the GEPA; and/or (iv)
    - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

## **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



April 10, 2019

Dr. Gregory Wm. Branch Health Officer Baltimore County Health Department Drumcastle Government Center, 3<sup>rd</sup> Floor 6401 York Road Baltimore, MD 21212

Dear Dr. Wm. Branch:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Baltimore County Infants and Toddlers Program has achieved the determination status of "Needs Assistance – Year 2."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. Gregory Wm. Branch April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Baltimore County Infants and Toddlers Program has been assigned the "**Targeted**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Targeted tier will receive a comprehensive monitoring from the DEI/SES every other year.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Baltimore County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

farcella E. Franczkowski M.S.

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Rebecca Rider Aula Boykin Branch Chiefs

# Baltimore County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	Annual SPI	Perform:	ance Report		
	SPP/APR Indicators			2017 (SFY 2	2018)	Action Docusing d	Previou	s Results
Res		or 📃 Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A.13.01.07		<b>Target</b> 94.00%	99.91%	Met	Target met, no further action required.	99.46%	99.30%
2 Ext IFSP	Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A.13.01.07		94.00%	97.77%	Met	Target met, no further action required.	99.47%	99.50%
34	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	53.65%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	59.28%	56.61%
34		2. Exits within age expectations	59.64%	44.77%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	49.30%	50.94%
20	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	58.14%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	65.01%	63.99%
3B		2. Exits within age expectations		43.49%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	47.67%	49.06%

Baltimore County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services 1

	SPP/APR India	ators	FFY 2	2017 (SFY 2	2018)	and the second	Previou	s Results
Res	Results Indicator Compliance Indicator		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	58.42%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	64.33%	63.64%
	2. Exits within age expectations		50.02%	43.09%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	47.21%	47.50%
4A	Families who report EIS rights 20 U.S.C. 1416a(3)(A) a		89.00%	98.97%	Met	Target met, no further action required.	98.02%	99.00%
4B	Families who report EIS communicate their child' 20 U.S.C. 1416a(3)(A) at	s needs	87.80%	98.96%	Met	Target met, no further action required.	98.28%	99.10%
4C	Families who report EIS children develop and lear 20 U.S.C. 1416a(3)(A) as	n	91.00%	98.45%	Met	Target met, no further action required.	97.68%	99.40%
5	Children birth to one serve the population birth to one COMAR 13A.13.02.04		1.54%	1.28%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	1.43%	1.63%
6	Children birth to three se the population birth to 3 COMAR 13A.13.02.04	rved as a percentage of	3.20%	3.56%	Met	Target met, no further action required.	3.74%	3.62%

	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)	A star De star de star	Previou	s Results
Res	sults Indicator 📕 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
	Timely Delivery of IFSP Services COMAR 13A.13.01.07		43		Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved		
1		100%	93.90%	Not Met	child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	92.27%	96.74%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	92.45%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	95.79%	95.94%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.81%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%

3

	SPP/APR Indicators	Part C Annual SPP Performa FFY 2017 (SFY 2018)				Previous Results	
Results Indicator 🧱 Compliance Indicator		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09			Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.81%	99.60%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Karen B. Salmon, Ph.D. State Superintendent of Schools

April 10, 2019

Dr. Daniel D. Curry Superintendent Calvert County Public Schools 1305 Dares Beach Road Prince Frederick, Maryland 20678 Longuatulationa

Dear Dr. Curry:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Calvert County Infants and Toddlers Program has achieved the determination status of "**Meets Requirements**."

Attached please find supporting documents:

- FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 – please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. Daniel D. Curry April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Calvert County Infants and Toddlers Program has been assigned the "Universal" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Calvert County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Trancykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Christina Harris Tatiana Owens Branch Chiefs

# Calvert County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

	And a second state of the second state					ance Report	Decent	o Do culto
Res	SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2017 (SFY 2018) State Local Target Target Results Met		Target	Action Required	Previous Results FFY FFY 2016 2015	
2	2 Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A.13.01.07		94.00%	96.27%	Met	Target met, no further action required.	96.27%	100%
2 Ext IFSP	Infants and Toddlers wit services in natural enviro COMAR 13A.13.01.07		94.00%	83.87%	Not Met	Target not met, but all services provided in a non-natural environment had a justification based on the child's needs. No further action required.	84.85%	89.30%
3A	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	53.09%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	48.61%	47.54%
JA		2. Exits within age expectations	59.64%	58.33%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	61.16%	69.63%
	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	65.63%	Met	Target met, no further action required.	56.58%	45.33%
3B		2. Exits within age expectations	54.53%	59.17%	Met	Target met, no further action required.	63.64%	63.70%
20	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	57.52%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	57.55%	59.13%
3C		2. Exits within age expectations	50.02%	43.33%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	46.28%	53.33%

1

Calvert County Annual Data Rpt FFY 2017 (SFY 2018)

Maryland State Department of Education

Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)		Previou	s Results
Results Indicator Compliance Indicator		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	97.65%	Met	Target met, no further action required.	97.89%	97.50%
В	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	98.81%	Met	Target met, no further action required.	98.95%	97.40%
С	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	100%	Met	Target met, no further action required.	98.87%	96.20%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.50%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	2.89%	2.08%
5	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	5.60%	Met	Target met, no further action required.	4.71%	4.71%
l	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	99.27%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
в	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%

Maryland State Department of Education Division of Early Intervention and Special Education Services

			Annual SPF		ince keport	Previous Results	
SPP/APR Indicators Results Indicator Compliance Indicator		State Target	Local Results		Action Required	FFY 2016	FFY 2015
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	1	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	100%	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearing
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance	
1. 2.	Students with IEPs graduating with a regular diploma Students with IEPs dropping out	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> <li>Secondary Transition</li> </ol>	
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;		
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and		
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.		
8A	Preschool Parent Survey; or		
8B	School Age Parent Survey.		
14	Post-School Outcomes		
	Correction of Noncompliance	Data and Submission of Reports	177
Timel	y Correction of Noncompliance	Timely and Accurate	
۰	State Complaints		
•	Due Process Hearings		
•	Indicator Data	+	
12.10	Fiscal	Complaints and Due Process Hearings	
Fiscal	Accountability	Number of State complaints filed	
٥	Timely and Accurate Submissions	Number of State complaints with violations	
•	Correction of Noncompliance	Number of due process hearings filed	
		Number of due process hearings with violations	

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention:
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

## **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.


Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dear Dr. Saelens: .

Dr. Patricia W. Saelens Superintendent Caroline County Public Schools Hiria 204 Franklin Street Denton, Maryland 21629

Conquetulation

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Caroline County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 - please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached Part C Child Outcomes Baselines and Targets for Local Determinations document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

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Dr. Patricia W. Saelens April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Caroline County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Caroline County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

arcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

- c:
  - Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Elizabeth Anthony Branch Chiefs

# Caroline County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	<b>Annual SPI</b>	P Performa	ance Report		
	SPP/APR Indic	ators	FFY 2	2017 (SFY 2	2018)	Astian Descripted	Previous Results	
Rest	ults Indicator 🛄 Comp		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext FSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07	A CARACTER CONTRACTOR AND A CARACTER AND A CARACTER CONTRACTOR AND A CARACTER CONTRACTOR AND A CARACTER CONTRACT	94.00%	100%	Met	Target met, no further action required.	100%	100%
	Birth - 4 Outcomes: Use of social –	1. Exits with substantial growth	59.37%	66.67%	Met	Target met, no further action required.	93.33%	88.24%
3A	emotional skills COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	50.00%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	85.00%	78.26%
	Birth - 4 Outcomes: Use of knowledge and	1. Exits with substantial growth	62.71%	81.25%	Met	Target met, no further action required.	88.24%	80.95%
3B	skills COMAR 13A.13.01.08	2. Exits within age expectations	54.53%	33.33%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	80.00%	39.13%
	Birth - 4 Outcomes: Use of appropriate	1. Exits with substantial growth	69.50%	82.35%	Met	Target met, no further action required.	88.89%	91.30%
3C	behaviors COMAR 13A.13.01.08	2. Exits within age expectations	50.02%	61.11%	Met	Target met, no further action required.	75.00%	30.43%
4A	Families who report EIS rights 20 U.S.C. 1416a(3)(A) as		89.00%	100%	Met	Target met, no further action required.	100%	96.20%
4B	Families who report EIS communicate their child' 20 U.S.C. 1416a(3)(A) an	helped them s needs	87.80%	94.12%	Met	Target met, no further action required.	100%	96.30%

	CDD / ADD Indicators	FFY 2	2017 (SFY 2	2018)	And the state of the second	Previou	s Results
SPP/APR Indicators Results Indicator Compliance Indicator		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	100%	Met	Target met, no further action required.	100%	96.30%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	2.54%	Met	Target met, no further action required.	4.56%	3.66%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.23%	Met	Target met, no further action required.	2. <mark>73</mark> %	2.87%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%

and the state of the second state of the second state of	Part C	<b>Annual SPI</b>	Perform:	ance Report		
SPP/APR Indicators	FFY 2017 (SFY 2018)				Previous Results	
Results Indicator 🔜 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
Number of complaints filed	NA	0	NA	No further action required.	None	N/A
Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
Number of due process hearings file	NA	0	NA	No further action required.	None	N/A
Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance
<ol> <li>Primary Service Setting</li> <li>Birth – 4 Outcomes – Emotional Skills</li> <li>Birth – 4 Outcomes – Knowledge and Skills</li> <li>Birth – 4 Outcomes – Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
<ul> <li>Timely Correction of Noncompliance</li> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearing
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

Results	Compliance
<ol> <li>Students with IEPs graduating with a regular diploma</li> <li>Students with IEPs dropping out</li> <li>Students with IEPs dropping out</li> <li>LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;</li> <li>LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and</li> <li>LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.</li> <li>Preschool Parent Survey; or</li> <li>School Age Parent Survey.</li> <li>Post-School Outcomes</li> </ol>	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> <li>Secondary Transition</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
<ul> <li>Timely Correction of Noncompliance</li> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearings
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed
	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

### Universal Tier

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

### Focused Tier

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance.

Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - (i) Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

## Intensive Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- Recover Funds under section 452 of the GEPA; and/or
- (1) (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dr. Steven A. Lockard Superintendent Carroll County Public Schools 125 North Court Street Westminster, Maryland 21157

Steve Dear Dr. Lockard:

Conquatulations The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Carroll County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 - please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached Part C Child Outcomes Baselines and Targets for Local Determinations document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

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Dr. Steven A. Lockard April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Carroll County Infants and Toddlers Program has been assigned the "Universal" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Carroll County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Jarcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Nicholas Shockney Inez Marvel Branch Chiefs

## Carroll County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	<b>Annual SPI</b>	Performa	ance Report		
SPP/APR Indicators			SPP/APR Indicators FFY 2017 (SFY 2018)				Previous Results	
Res	ults Indicator 🔜 Comj	oliance Indicator State Targe		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	96.91%	Met	Target met, no further action required.	96.12%	97.20%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	97.50%	100%
	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	58.12%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	57.14	57.55%
3A		2. Exits within age expectations	59.64%	55.15%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	54.79%	64.42%
2.0	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	59.54%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	60.26%	54.78%
3B		2. Exits within age expectations	54.53%	53.94%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	54.79%	60.98%

Carroll County Annual Data Rpt FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	CDD / ADD India	patore		2017 (SFY 2		ance Report	Previou	s Result
SPP/APR Indicators Results Indicator <b>Compliance Indicator</b>		State	Local	Target	Action Required	FFY	FFY	
mes	unts indicator <b>en</b> com	phanee indicator	Target	Results	Met	A CARLE MARKED AND A CARLES	2016	2015
	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	67.76%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	64.37%	61.909
с		2. Exits within age expectations	50.02%	49.09%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	47.34%	54.889
4	Families who report EIS rights 20 U.S.C. 1416a(3)(A) at		89.00%	100%	Met	Target met, no further action required.	96.05%	98.70
в	Families who report EIS communicate their child' 20 U.S.C. 1416a(3)(A) at	s needs	87.80%	96.55%	Met	Target met, no further action required.	97.26%	97.40
с	Families who report EIS children develop and lear 20 U.S.C. 1416a(3)(A) ar	m	91.00%	96.55%	Met	Target met, no further action required.	97.22%	97.40
	Children birth to one serve the population birth to one COMAR 13A.13.02.04		1.54%	2.53%	Met	Target met, no further action required.	2.58%	2.96%
5	Children birth to three se the population birth to 3 COMAR 13A.13.02.04	rved as a percentage of	3.20%	3.65%	Met	Target met, no further action required.	4.06%	4.48%
	Timely Delivery of IFSP COMAR 13A.13.01.07	Services	100%	99.51%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and	99.60%	100%

Carroll County Annual Data Rpt FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)		Previou	s Results
Res	ults Indicator Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
					verified within one year.		- Adaba
					Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.		
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	99.52%
A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	98.11%	100%
в	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
c	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	98.88%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	97.17%	100%

Carroll County Annual Data Rpt FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

SPP/APR Indicators	Part C Annual SPP Performa FFY 2017 (SFY 2018)			Antine Description	Previous Result	
Results Indicator 🔜 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
Number of complaints filed	NA	0	NA	No further action required.	None	N/A
Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearing
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
Correction of Noncompliance	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1. 2.	Students with IEPs graduating with a regular diploma Students with IEPs dropping out	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> <li>Secondary Transition</li> </ol>
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
	Correction of Noncompliance	Data and Submission of Reports
<ul> <li>Timely Correction of Noncompliance</li> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>		Timely and Accurate
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
۰	Timely and Accurate Submissions	Number of State complaints with violations
•	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### Universal Tier

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

## **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance.

Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1)Take any of the actions described in 34 C.F.R. §300.604(a); and/or (2)
  - Take one or more of the following actions:
    - (i) Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
    - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
    - For each year of the determination, withholds not less than 20 percent and not more than 50 percent (iii) of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention:
    - Seeks to recover funds under Section 452 of the GEPA; and/or (iv)
    - Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA. (v)

## **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dr. Jeffrey A. Lawson Superintendent Cecil County Public Schools 201 Booth Street Elkton, Maryland 21921

Dear Dr. Lawson:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Cecil County Infants and Toddlers Program has achieved the determination status of "**Meets Requirements**."

Conquetulation

Attached please find supporting documents:

- 1. *FFY 2017 Determination Overview* (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. Jeffrey A. Lawson April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Cecil County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Cecil County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely, Marcella E. Trancykouski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Sarah J. Farr Jennifer Ayers Branch Chiefs

## Cecil County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			and the second s			ance Report				
SPP/APR Indicators			FFY 2017 (SFY 2018)				Previous Results			
Res	Results Indicator 🧮 Compliance Indicator				State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with services in natural environ COMAR 13A.13.01.07		94.00%	99.17%	Met	Target met, no further action required.	98.92%	98.40%		
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%		
	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	59.37%	64.18%	Met	Target met, no further action required.	35.94%	23.21%		
3A	COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	52.50%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	40.00%	60.34%		
	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	62.71%	65.71%	Met	Target met, no further action required.	34.78%	29.85%		
3B	COMAR 13A.13.01.08	2. Exits within age expectations	54.53%	48.75%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	35.29%	56.03%		
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.081. Exits with substantial growth2. Exits within age expectations	substantial growth	69.50%	67.11%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	51.32%	46.43%		
			50.02%	42.50%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	34.12%	48.28%		

Cecil County Annual Data Rpt FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)	and the second	Previo	us Results	
Res	Results Indicator Compliance Indicator		Local Targe Results Met		Action Required	FFY 2016	FFY 2015	
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	100%	Met	Target met, no further action required.	97.01%	98.60%	
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 144	87.80%	96.92%	Met	Target met, no further action required.	98.48%	97.20%	
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	98.41%	Met	Target met, no further action required.	98.51%	98.60%	
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.20%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	0.79%	0.75%	
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.44%	Met	Target met, no further action required.	2.74%	3.77%	
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	97.66%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	98.45%	100%	
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required	100%	100%	

Cecil County Annual Data Rpt FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2017 (SFY 2018)				Previou	is Results
Res	Results Indicator Compliance Indicator		State Local Target Target Results Met		Action Required	FFY FFY 2016 2015	
	Percentage of toddlers exiting Part C for whom transition steps and services were added to the				Target met, no further action required.		
8A	IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met		100%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	98.51%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year.	100%	98.70%
X	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	. NA	No further action required.	N/A	N/A
375	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance				
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>				
Correction of Noncompliance Timely Correction of Noncompliance	Data and Submission of Reports           Timely and Accurate				
<ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>					
Fiscal	Complaints and Due Process Hearing				
Fiscal Accountability	Number of State complaints filed				
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations				
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed				
	Number of due process hearings with violations				

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance		
1. 2. 5A 5B 5C 8A 8B 14	Students with IEPs graduating with a regular diploma Students with IEPs dropping out LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day; LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements. Preschool Parent Survey; or School Age Parent Survey. Post-School Outcomes	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> <li>Secondary Transition</li> </ol>		
	Correction of Noncompliance	Data and Submission of Reports		
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>		Timely and Accurate		
24	Fiscal	Complaints and Due Process Hearings		
Fiscal	Accountability	Number of State complaints filed		
•	Timely and Accurate Submissions	Number of State complaints with violations		
•	Correction of Noncompliance	Number of due process hearings filed		
		Number of due process hearings with violations		

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### Focused Tier

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

## **Intensive Tier**

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dr. Kimberly Hill Superintendent Charles County Public Schools P. O. Box 2770 5980 Radio Station Road LaPlata, Maryland 20646

Dear Dr. Hill:

Conquetulation The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Charles County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 – please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached Part C Child Outcomes Baselines and Targets for Local Determinations document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

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Dr. Kimberly Hill April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Charles County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Charles County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Jarcella E. Francikowski Marcella E. Franczkowski, M.S.

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Arden Sotomayor Sheila Myers Branch Chiefs

## **Charles County Infants and Toddlers Program** Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 - June 30, 2018

			Part C	Annual SPF	Performa	ance Report		
	SPP/APR Indic	FFY 2017 (SFY 2018)			Antion Dominod	Previou	s Results	
Res	Results Indicator Compliance Indicator			State Local Targe Target Results Met		Action Required	FFY 2016	FFY 2015
2 Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A.13.01.07			94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext IFSP	Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	59.37%	68.61%	Met	Target met, no further action required.	62.35%	62.07%
3А	COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	46.79%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year.	49.06%	56.00%
	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	66.67%	Met	Target met, no further action required.	70.93%	59.00%
38		2. Exits within age expectations	54.53%	48.72%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year.	49.06%	42.86%

Charles County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

			Part C.	Annual SPI	Performa	ince Report		
	SPP/APR Indic	cators	FFY 2	2017 (SFY 2	2018)	Action Required		s Results
Res	Results Indicator Compliance Indicator		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
	Birth - 4 Outcomes:1. Exits withUse of appropriatesubstantial growthbehaviors	69.50%	69.80%	Met	Target met, no further action required.	74.00%	68.10%	
3C	COMAR 13A.13.01.08	2. Exits within age expectations	50.02%	44.87%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year.	45.28%	38.89%
4A	Families who report EIS rights 20 U.S.C. 1416a(3)(A) a		89.00%	97.44%	Met	Target met, no further action required.	98.21%	90.60%
4B	Families who report EIS communicate their child' 20 U.S.C. 1416a(3)(A) a	helped them s needs	87.80%	97.47%	Met	Target met, no further action required.	98.15%	96.80%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442		91.00%	97.47%	Met	Target met, no further action required.	98.15%	100%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04		1.54%	2.00%	Met	Target met, no further action required.	1.64%	1.01%
6	Children birth to three se the population birth to 3 COMAR 13A.13.02.04	rved as a percentage of	3.20%	3.76%	Met	Target met, no further action required.	2.99%	2.84%
1	Timely Delivery of IFSP COMAR 13A.13.01.07	Services	100%	100%	Met	Target met, no further action required.	100%	99.07%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07		100%	100%	Met	Target met, no further action required.	100%	100%

Charles County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

Part C Annual SPP Performance Report										
	SPP/APR Indicators	FFY 2017 (SFY 2018)			Astion Descrived	Previou	s Results			
Res	Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015			
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%			
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%			
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required	100%	100%			
1	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required	100%	100%			
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%			
1	Number of complaints filed	NA	0	NA	No further action required.	None	N/A			
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A			
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A			
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A			
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%			


Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance				
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>				
Correction of Noncompliance Timely Correction of Noncompliance State Complaints Due Process Hearings Indicator Data	Data and Submission of Reports Timely and Accurate				
Fiscal	Complaints and Due Process Hearing				
<ul> <li>Fiscal Accountability</li> <li>Timely and Accurate Submissions</li> <li>Correction of Noncompliance</li> </ul>	Number of State complaints filed         Number of State complaints with violations         Number of due process hearings filed         Number of due process hearings with violations				

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

110	Results	Compliance
1.	Students with IEPs graduating with a regular diploma	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> </ol>
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
1517	Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>		Timely and Accurate
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
۰	Timely and Accurate Submissions	Number of State complaints with violations
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		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

## Focused Tier

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance.

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Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - (i) Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

# **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- Recover Funds under section 452 of the GEPA; and/or
- (1) (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dear Dr. Mitchell:

Dr. Diana L. Mitchell Superintendent Dorchester County Board of Education 700 Glasgow Street Diana Cambridge, Maryland 21613

Conquetulations

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Dorchester County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 - please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached Part C Child Outcomes Baselines and Targets for Local Determinations document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

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Dr. Diana L. Mitchell April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Dorchester County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Dorchester County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

arcella C. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc

Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Kimberly Waller Branch Chiefs

# **Dorchester County Infants and Toddlers Program** Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 - June 30, 2018

SPP/APR Indicators			FFY 2	2017 (SFY 2	2018)		Previou	s Results
Res	ults Indicator 🔛 Com		State Local Target		Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext FSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	59.37%	60.00%	Met	Target met, no further action required.	31.25%	71.88%
3A	COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	64.71%	Met	Target met, no further action required.	40.00%	70.45%
3B	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	45.00%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	40.00%	69.70%
		2. Exits within age expectations	54.53%	52.94%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	35.00%	68.18%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	54.84%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	55.56%	75.00%
		2. Exits within age expectations	50.02%	41.18%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	35.00%	61.36%

Maryland State Department of Education

Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2	2017 (SFY 2	(018)	the state of the second s	Previou	s Results
Res	ults Indicator 📕 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	100%	Met	Target met, no further action required.	96.08%	94.70%
IB	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	100%	Met	Target met, no further action required.	98.04%	100%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	100%	Met	Target met, no further action required.	100%	100%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.68%	Met	Target met, no further action required.	1.90%	3.50%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.81%	Met	Target met, no further action required.	3.42%	2.79%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	97.83%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
в	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%

Dorchester County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

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Part C Annual SPP Performance Report									
SPP/APR Indicators		FFY 2017 (SFY 2018)				Previous Result			
Res	Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015		
-	Percentage of children for whom the transition				Target met, no further action required.				
8C	conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met		100%	94.12%		
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%		
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%		
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A		
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A		
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A		
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A		
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%		



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance				
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol> Data and Submission of Reports				
Correction of Noncompliance					
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate				
Fiscal	Complaints and Due Process Hearing				
Fiscal Accountability	Number of State complaints filed				
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations				
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed				
	Number of due process hearings with violations				

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1. 2.	Students with IEPs graduating with a regular diploma Students with IEPs dropping out	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> <li>Secondary Transition</li> </ol>
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
21.84	Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>		Timely and Accurate
	Fiscal	Complaints and Due Process Hearings
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- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

## **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

## **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- Take any of the actions described in 34 C.F.R. §300.604(a); and/or (1)(2)
  - Take one or more of the following actions:
    - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE (i) determines that the public agency should be able to correct the problem within one year;
    - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
    - For each year of the determination, withholds not less than 20 percent and not more than 50 percent (iii) of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention:
    - Seeks to recover funds under Section 452 of the GEPA; and/or (iv)
    - Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA. (v)

# **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



April 10, 2019

Dr. Barbara Brookmyer Health Officer Frederick County 350 Montevue Lane Frederick, Maryland 21702

Dear Dr. Brookmyer:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Frederick County Infants and Toddlers Program has achieved the determination status of "**Meets Requirements**."

Attached please find supporting documents:

- 1. *FFY 2017 Determination Overview* (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. Barbara Brookmyer April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Frederick County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Frederick County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Jarcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Lisa M. Jarboe Michelle Concepcion Branch Chiefs

# Frederick County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			art C A	Annual SPP	Performa	nce Report		State La
	SPP/APR Indicators			2017 (SFY 2	2018)		Previous Results	
Res	sults Indicator 🔚 Com	pliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers wit services in natural enviro COMAR 13A.13.01.07		94.00%	99.03%	Met	Target met, no further action required.	100%	98.60%
2 Ext IFSP	Infants and Toddlers wit services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
3A	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	34.04%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	45.19%	57.41%
3A		2. Exits within age expectations	59.64%	52.89%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results	53.24%	66.50%
38	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	40.12%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	48.63%	61.36%
38		2. Exits within age expectations	54.53%	52.00%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	52.78%	61.84%
зс	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	51.28%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	54.34%	62.57%

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	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)	A REAL PROPERTY OF THE REAL PROPERTY OF THE PARTY OF	Previo	s Results
Res	Results Indicator Compliance Indicator		Local	Target	Action Required	FFY. FF	
And and a state of the state of	2. Exits within age	Target	Results	Met	Target not met. Submit an Improvement	2016	2015
	expectations	50.02%	44.44%	Not Met	Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	40.74%	50.97%
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	99.25%	Met	Target met, no further action required.	97.21%	100%
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	99.22%	Met	Target met, no further action required.	98.85%	98.90%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	97.64%	Met	Target met, no further action required.	97.11%	98.40%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.56%	Met	Target met, no further action required.	1.26%	1.55%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.53%	Met	Target met, no further action required.	3.40%	3.39%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	99.78%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	99.74%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	100%	99.40%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%

art C Annual SPP Performance Report								
SPP/APR Indicators		FFY 2	2017 (SFY 2	2018)		Previous Results		
Res	ults Indicator 🔜 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015	
88	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%	
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	99.26%	
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%	
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%	
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A	
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A	
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A	
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A	
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%	



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- · Performance on Results and Compliance Indicators;
- · Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance				
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>				
Correction of Noncompliance	Data and Submission of Reports				
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate				
Fiscal	Complaints and Due Process Hearing				
Fiscal Accountability	Number of State complaints filed				
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations				
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed				
	Number of due process hearings with violations				

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1.	Students with IEPs graduating with a regular diploma	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> </ol>
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
	Correction of Noncompliance	Data and Submission of Reports
Timel	y Correction of Noncompliance	Timely and Accurate
100	State Complaints	
•	Due Process Hearings	
	Indicator Data	
Cianal	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
۰	Timely and Accurate Submissions	Number of State complaints with violations
•	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### Universal Tier

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### Targeted Tier

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### Focused Tier

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

# **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dear Mrs. Baker: N/

Mrs. Barbara L. Baker Superintendent Garrett County Board of Education 40 South Second Street Juliara Oakland, Maryland 21550

Congratulations

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Garrett County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 - please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached Part C Child Outcomes Baselines and Targets for Local Determinations document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

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Mrs. Barbara L. Baker April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the DEI/SES Strategic Plan: Moving Maryland Forward provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Garrett County Infants and Toddlers Program has been assigned the "Universal" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Garrett County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

- Karen B. Salmon, Ph.D. c.
  - Carol A. Williamson, Ed.D. Heather Raybold Deneice Crites **Branch Chiefs**

# Garrett County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

Part C Annual SPP Performance Report								
	SPP/APR Indic	FFY 2017 (SFY 2018)			Action Required	Previou	Previous Results	
Results Indicator Compliance Indicator			State Target	ate Local Target		FFY 2016	FFY 2015	
2	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext IFSP	Infants and Toddlers with services in natural enviror COMAR 13A.13.01.07	and a second state of the second s	94.00%	100%	Met	Target met, no further action required.	100%	100%
3А	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	63.64%	Met	Target met, no further action required.	78.57%	76.92%
		2. Exits within age expectations	59.64%	52.94%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	72.00%	86.96%
3B	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	66.67%	Met	Target met, no further action required.	77.78%	86.67%
		2. Exits within age expectations	54.53%	70.59%	Met	Target met, no further action required.	72.00%	82.61%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	58.33%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	63.16%	81.25%
		2. Exits within age expectations	50.02%	64.71%	Met	Target met, no further action required.	64.00%	73.91%
4A	Families who report EIS rights 20 U.S.C. 1416a(3)(A) ar	·	89.00%	-	NA	Target met, no further action required.	95.08%	100%

Garrett County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services 1

					ance Report		and a summary of
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2017 (SFY 2018)			Action Required	Previous Results	
		State Target	Local Results	Target Met	Action Acquired	FFY 2016	FFY 2015
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	-	NA	Target met, no further action required.	96.88%	100%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	-	NA	Target met, no further action required.	96.88%	100%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.72%	Met	Target met, no further action required.	1.79%	1.02%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	2.05%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	2.72%	2,60%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	80.00%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	80.00%

Part C Annual SPP Performance Report							
SPP/APR Indicators	FFY 2017 (SFY 2018)				Previous Results		
Results Indicator 🔜 Compliance Indicator	State Target	AL PERMIT	Target Met	Action Required	FFY 2016	FFY 2015	
Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required	100%	100%	
Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%	
Number of complaints filed	NA	0	NA	No further action required.	None	N/A	
Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A	
Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A	
Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A	
Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%	



# Maryland State Department of Education Division of Early Intervention and Special Education Services

FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

#### The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance			
<ol> <li>Primary Service Setting</li> <li>Birth – 4 Outcomes – Emotional Skills</li> <li>Birth – 4 Outcomes – Knowledge and Skills</li> <li>Birth – 4 Outcomes – Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	1. Timely Services         7. 45 Day Timeline         8A. Transition - Transition Outcomes         8B. Transition - Notification to LSS         8C. Transition - Timely Planning Meeting			
Correction of Noncompliance	Data and Submission of Reports			
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate			
Fiscal	Complaints and Due Process Hearing			
Fiscal Accountability	Number of State complaints filed			
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations			
Correction of Noncompliance	Number of due process hearings filed			
	Number of due process hearings with violations			

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1.	Students with IEPs graduating with a regular diploma	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> </ol>
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
	Correction of Noncompliance	Data and Submission of Reports
Timel • •	y Correction of Noncompliance State Complaints Due Process Hearings Indicator Data	Timely and Accurate
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
•	Timely and Accurate Submissions	Number of State complaints with violations
•	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### Universal Tier

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

## **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - (i) Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

# **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



April 10, 2019

Dr. Sean W. Bulson Superintendent Harford County Public Schools 102 South Hickory Avenue Bel Air, Maryland 21014-3731

Dear Dr. Bulson:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Harford County Infants and Toddlers Program has achieved the determination status of "Needs Intervention – Year 1."

Attached please find supporting documents:

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To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

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Dr. Sean W. Bulson April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Harford County Infants and Toddlers Program has been assigned the "**Targeted**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Targeted tier will receive a comprehensive monitoring from the DEI/SES every other year.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Harford County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Jarcella E. Trancykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Susan Austin Nicol Elliott Branch Chiefs

# Harford County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Contraction of the local distribution of the			ance Report		
	SPP/APR India		FFY 2	2017 (SFY 2	2018)	Action Required	Previous Results	
Res	ults Indicator 🔜 Com	pliance Indicator	State Target	Local Results	Target Met		FFY 2016	FFY 2015
2	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
2.0	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	49.80%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	48.78%	54.67%
3A		2. Exits within age expectations	59.64%	43.04%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	51.86%	48.78%
20	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	57.97%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	58.85%	63.56%
3B	55 	2. Exits within age expectations	54.53%	41.10%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	50.31%	49.83%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	55.60%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	55.27%	61.18%

Harford County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

					ance Report	Drowies	is Results
Re	SPP/APR Indicators sults Indicator <b>Compliance Indicator</b>	FFY 2017 (SFY 2018) State Local Target Target Results Met		Target	Action Required	FFY FFY 2016 201	
	2. Exits within age expectations	50.02%	43.04%	Not Met	Target met, no further action required.	49.69%	48.08%
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	93.13%	Met	Target met, no further action required.	95.08%	97.70%
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	97.44%	Met	Target met, no further action required.	96.77%	95.50%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	97.40%	Met	Target met, no further action required.	96.70%	97.20%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.18%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	1.61%	1.54%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.47%	Met	Target met, no further action required.	3.74%	3.45%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	91.38%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	91.20%	96.51%

		Part C	Annual SPI	P Perform	ance Report		
	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)	Action Required	Previous Results	
Re	sults Indicator 📕 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
					Target not met. Submit an Improvement Plan within 30 days from the date of this		-
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	70.00%	Not Met	letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	90.16%	96.90%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	99.01%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in	99.40%	100%
					FFY 16-17 within one year of the written finding.		
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	99.01%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year.	99.40%	100%

Harford County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)		Previou	is Results
Results Indicator Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
				Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.		
Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
Number of complaints filed	NA	0	NA	No further action required.	None	N/A
Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%

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Karen B. Salmon, Ph.D. State Superintendent of Schools

April 10, 2019

Dr. Michael J. Martirano Superintendent Howard County Public Schools Ellicott City, Maryland 21042 Dear Dr. Martirano:

Congratulations

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Howard County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 - please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached Part C Child Outcomes Baselines and Targets for Local Determinations document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

> 200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org

Dr. Michael J. Martirano April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Howard County Infants and Toddlers Program has been assigned the "Universal" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Howard County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

arcella E. Franczkowske

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Susan Austin Jennifer Harwood Branch Chiefs

# Howard County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

12.1	Box Bit and I was		Par	t C Annual	<b>SPP</b> Perfo	rmance Report		
	SPP/APR Indi	cators	FFY 2	2017 (SFY 2	2018)		Previous Results	
Res	Results Indicator 📃 Compliance Indicator		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A.13.01.07		94.00%	99.30%	Met	Target met, no further action required.	100%	99.40%
2 Ext IFSP	Infants and Toddlers with services in natural environ COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	95.65%	100%
	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	59.37%	60.84%	Met	Target met, no further action required.	61.02%	61.80%
3A	COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	56.35%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	54.71%	56.30%
	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	63.95%	Met	Target met, no further action required.	66.67%	65.45%
3B		2. Exits within age expectations	54.53%	55.29%	Met	Target met, no further action required.	55.93%	52.36%
	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	69.50%	69.83%	Met	Target met, no further action required.	72.26%	69.83%
3C	COMAR 13A.13.01.08	2. Exits within age expectations	50.02%	47.62%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	48.63%	45.67%
4A	Families who report EIS rights 20 U.S.C. 1416a(3)(A) an		89.00%	95.93%	Met	Target met, no further action required.	96.92%	98.90%

Howard County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	The second se	2017 (SFY 2		rmance Report	Proviou	s Results
Res	sults Indicator Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY FF 2016 20	
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	100%	Met	Target met, no further action required.	97.48%	98.20%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	98.35%	Met	Target met, no further action required.	97.56%	98.80%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.08%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	1.25%	1.29%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.77%	Met	Target met, no further action required.	3.54%	3.26%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.77%	99.78%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	99.57%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.58%	99.34%

Howard County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

		Par	t C Annual	SPP Perfo	rmance Report		
	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)		Previo	is Results
Res	ults Indicator 🔜 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	99.56%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year.	100%	98.95%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- · Performance on Results and Compliance Indicators;
- · Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance				
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>				
Correction of Noncompliance	Data and Submission of Reports				
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate				
Fiscal	Complaints and Due Process Hearing				
Fiscal Accountability	Number of State complaints filed				
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations				
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed				
	Number of due process hearings with violations				

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1.	Students with IEPs graduating with a regular diploma	11.       Initial Evaluation Timeline         12.       Part C to B Transition
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
1 1	Correction of Noncompliance	Data and Submission of Reports
Timel	y Correction of Noncompliance	Timely and Accurate
•	State Complaints	
	Due Process Hearings	
۰	Indicator Data	
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
•	Timely and Accurate Submissions	Number of State complaints with violations
۰	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### Targeted Tier

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - (i) Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

### **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.

# Kent County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	Annual SPF	Performa	ance Report		
	SPP/APR India	ators	FFY 2	2017 (SFY 2	2018)		Previous Results	
Res	ults Indicator 📃 Comj		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	59.37%	80.00%	Met	Target met, no further action required.	85.71%	< 5 children
3A	COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	87.50%	Met	Target met, no further action required.	44.44%	< 5 children
	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	80.00%	Met	Target met, no further action required.	100%	< 5 children
3B		2. Exits within age expectations	54.53%	87.50%	Met	Target met, no further action required.	66.67%	100%
	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	69.50%	85.71%	Met	Target met, no further action required.	71.43%	100%
3C	COMAR 13A.13.01.08	2. Exits within age expectations	50.02%	87.50%	Met	Target met, no further action required.	66.67%	100%
4A	Families who report EIS rights 20 U.S.C. 1416a(3)(A) as		89.00%	100%	Met	Target met, no further action required.	100%	88.50%
4B	Families who report EIS communicate their child' 20 U.S.C. 1416a(3)(A) and	helped them s needs	87.80%	94.12%	Met	Target met, no further action required.	95.24%	88.80%

Kent County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)	The second of the second second second	Previou	s Results
Res	sults Indicator Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	100%	Met	Target met, no further action required.	100%	88.50%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.30%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	0.63%	2.78%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	4.32%	Met	Target met, no further action required.	4.69%	4.50%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	95.00%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	100%	100%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	71.43%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	71.43%	100%

Kent County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

		Part C	Annual SPF	Performa	ance Report		
	SPP/APR Indicators		2017 (SFY 2	2018)		Previous Result	
Re	sults Indicator 📕 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
×.	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	0	NA	Target met, no further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearing
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
Correction of Noncompliance	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1. 2. 5A 5B 5C 8A 8B 14	Students with IEPs graduating with a regular diploma Students with IEPs dropping out LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day; LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements. Preschool Parent Survey; or School Age Parent Survey. Post-School Outcomes	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> <li>Secondary Transition</li> </ol>
	Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>		Timely and Accurate
	Fiscal	Complaints and Due Process Hearings
Fiscal Accountability		Number of State complaints filed
0	Thirdfy and Recourde Submissions	Number of State complaints with violations
•	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### Universal Tier

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### Focused Tier

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1)Take any of the actions described in 34 C.F.R. §300.604(a); and/or (2)
  - Take one or more of the following actions:
    - (i) Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
    - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
    - For each year of the determination, withholds not less than 20 percent and not more than 50 percent (iii) of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention:
    - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
    - Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA. (v)

### **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dr. Karen M. Couch Superintendent Kent County Public Schools 5608 Boundary Avenue Rock Hall, Maryland 21661

wan Dear Dr. Couch:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Kent County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Congratulations

Attached please find supporting documents:

- 1. *FFY 2017 Determination Overview* (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. Karen M. Couch April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Kent County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Kent County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

arcella E. Trancyfowski Franczkowski, M.S. Marcella E. Franczkowski, M.S.

Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Wendy Keen Branch Chiefs



Karen B. Salmon, Ph.D.

State Superintendent of Schools Congratulations

April 10, 2019

Ms. Victoria Buckland, Acting Director Montgomery County Department of Health and Human Services 401 Hungerford Dr. - 5th floor

lidera Rockville, MD 20850

Dear Ms. Buckland:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.7031. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Montgomery County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 – please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached Part C Child Outcomes Baselines and Targets for Local Determinations document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

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Ms. Victoria Buckland, Acting Director April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Montgomery County Infants and Toddlers Program has been assigned the "Universal" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Montgomery County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Jarcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Phillip A. Lynch Branch Chiefs

# Montgomery County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	Annual SPI	Performa	ance Report		Det and
SPP/APR Indicators		FFY 2017 (SFY 2018)				Previous Results		
Res	Results Indicator Compliance Indicator		State Local Target Target Results Met		the second se	Action Required	FFY FFY 2016 2015	
2	Infants and Toddlers wit services in natural enviro COMAR 13A.13.01.07		94.00%	95.47%	Met	Target met, no further action required,	95.48%	94.90%
2 Ext IFSP	Infants and Toddlers wit services in natural enviro COMAR 13A.13.01.07		94.00%	99.25%	Met	Target met, no further action required.	100%	97.90%
3A	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	49.68%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	50.19%	45.01%
за		2. Exits within age expectations	59.64%	54.90%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	61.11%	61.27%
38	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	59.09%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	64.92%	58.31%
36		2. Exits within age expectations	54.53%	51.29%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	58.23%	57.14%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	62.28%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	67.37%	64.67%

		Part C	Annual SPI	P Perform	ance Report	Section and the second section of the section of the second section of the sec	and the second second
	SPP/APR Indicators Results Indicator Compliance Indicator		2017 (SFY :	2018)	Action Required	Previous Results	
Res			Local Results	Target Met		FFY 2016	FFY 2015
	2. Exits within age expectations	50.02%	48.05%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	53.90%	51.36%
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	97.94%	Met	Target met, no further action required.	97.44%	98.30%
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	98.88%	Met	Target met, no further action required.	97.71%	96.90%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	98.73%	Met	Target met, no further action required.	98.03%	98.30%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.86%	Met	Target met, no further action required.	1.99%	1.79%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	4.48%	Met	Target met, no further action required.	4.25%	4.18%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	99.59%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.09%	99.84%

Montgomery County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

		Cold Cold and State Publication			ance Report		
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2017 (SFY 2018)			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2016	FFY 2015
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	99.90%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.57%	99.95%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
BC	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.88%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A

Part C Annual SPP Performance Report							
SPP/APR Indicators	FFY 2017 (SFY 2018)				Previous Results		
Results Indicator 🔜 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015	
Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A	
Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A	
Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A	
Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%	



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- · Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance	
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>	
Correction of Noncompliance	Data and Submission of Reports	-
Correction of Noncompliance Timely Correction of Noncompliance • State Complaints • Due Process Hearings • Indicator Data	Data and Submission of Reports Timely and Accurate	
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul> Fiscal	Timely and Accurate	
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul> Fiscal Accountability	Timely and Accurate Complaints and Due Process Hearing	
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul> Fiscal Accountability <ul> <li>Timely and Accurate Submissions</li> </ul>	Timely and Accurate	
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul> Fiscal Accountability	Timely and Accurate Complaints and Due Process Hearing Number of State complaints filed	

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1,	Students with IEPs graduating with a regular diploma	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> </ol>
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
Correction of Noncompliance		Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>		Timely and Accurate
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
۰	Timely and Accurate Submissions	Number of State complaints with violations
0	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### Targeted Tier

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - (i) Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

### **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.


# Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dear Dr. Goldson: /

Dr. Monica E. Goldson Interim Chief Executive Officer Prince George's County Public Schools 14201 School Lane Upper Marlboro, Maryland 20772 Usnica

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The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Prince George's County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

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Dr. Monica E. Goldson April 10, 2019 Page Two

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To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Prince George's County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Prince George's County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

rcella E. Francykowski Marcella E. Franczkowski, M.S.

Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc

Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Trinell Bowman Alyson Felder Branch Chiefs

# Prince George's County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	<b>Annual SPI</b>	Perform	ance Report		A Statist
	SPP/APR Indi	FFY 2	2017 (SFY 2	2018)		Previous Results		
Res	ults Indicator 📃 Com		and the second	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers wit services in natural enviro COMAR 13A.13.01.07		94.00%	94.96%	Met	Target met, no further action required.	98.84%	97.70%
2 Ext IFSP	Infants and Toddlers with services in natural environ COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	98.85%	98.40%
3A	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	59.37%	65.70%	Met	Target met, no further action required.	52.09%	64.09%
	COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	43.34%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	46.79%	48.03%
	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	62.71%	67.54%	Met	Target met, no further action required.	51.43%	58.90%
3B	COMAR 13A.13.01.08	2. Exits within age expectations	54.53%	39.75%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	40.84%	41.80%
	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	69.50%	70.21%	Met	Target met, no further action required.	68.37%	78.50%
3C	COMAR 13A.13.01.08	2. Exits within age expectations	50.02%	41.17%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	40.72%	41.37%

Prince George's County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFV :	2017 (SFY 2	2018)	The second second second second second	Proviou	is Results
Res	Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	97.89%	Met	Target met, no further action required.	99.25%	98.20%
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	96.99%	Met	Target met, no further action required.	97.48%	96.00%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	97.73%	Met	Target met, no further action required.	98.10%	98.00%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.30%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	1.35%	1.43%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.71%	Met	Target met, no further action required.	3.33%	3.02%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	98.91%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	97.97%	99.31%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.93%	100%

Prince George's County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)		Previous Results	
Res	sults Indicator 📕 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
3B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
BC	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	1	NA	Correction of the identified noncompliance must be demonstrated and verified within 1 year of notification.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- · Performance on Results and Compliance Indicators;
- · Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearing
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1. 2. 5A 5B 5C 8A 8B 14	Students with IEPs graduating with a regular diploma Students with IEPs dropping out LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day; LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements. Preschool Parent Survey; or School Age Parent Survey. Post-School Outcomes	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> <li>Secondary Transition</li> </ol>
	Correction of Noncompliance	Data and Submission of Reports
Timel • •	y Correction of Noncompliance State Complaints Due Process Hearings Indicator Data	Timely and Accurate
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
•	Timely and Accurate Submissions	Number of State complaints with violations
	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance.

Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
  - Take one or more of the following actions:
    - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
    - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
    - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
    - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
    - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

## **Intensive** Tier

(2)

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

Congratulations

April 10, 2019

Dr. Andrea Kane Superintendent Queen Anne's County Board of Education 202 Chesterfield Avenue ndrea Centreville, Maryland 21617

Dear Dr. Kane:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Queen Anne's County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 - please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached Part C Child Outcomes Baselines and Targets for Local Determinations document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

> 200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org

Dr. Andrea Kane April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Queen Anne's County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Queen Anne's County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Jarcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Joeleen Smith Dawn Fraser

**Branch Chiefs** 

# Queen Anne's County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	<b>Annual SPI</b>	Perform:	ance Report		
	SPP/APR Indi	FFY 2	2017 (SFY 2	2018)		Previous Result		
Res	Results Indicator 🧮 Compliance Indicator			Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers wit services in natural enviro COMAR 13A.13.01.07	그것 것은 안내가 왜 이렇게 잘 가지? 지난 것을 가지?	94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext IFSP	Infants and Toddlers wit services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
3A	Birth - 4 Outcomes: Use of social –	1. Exits with substantial growth	59.37%	65.45%	Met	Target met, no further action required.	67.50%	52.94%
	emotional skills COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	33.87%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	65.45%	75.56%
	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	62.71%	65.45%	Met	Target met, no further action required.	74.36%	75.00%
3B	COMAR 13A.13.01.08	2. Exits within age expectations	54.53%	37.10%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	70.91%	84.44%
30	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	67.80%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	76.47%	76.47%
Je		2. Exits within age expectations	50.02%	30.65%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	47.27%	66.67%

Queen Anne's County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2017 (SFY 2018)				Previous Results	
Res	sults Indicator 🔜 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	100%	Met	Target met, no further action required.	100%	100%
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	97.30%	Met	Target met, no further action required.	100%	100%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	100%	Met	Target met, no further action required.	100%	100%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.72%	Met	Target met, no further action required.	1.98%	2.68%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	4.65%	Met	Target met, no further action required.	4.06%	4.36%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	98.61%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the pervious noncompliance identified in FFY 16-17 within one year of the written finding.	95.59%	100%
8A	Percentage of toddlers exiting Part C for whom an IFSP was developed at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%

Queen Anne's County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

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	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)		Previous Results	
Res	Results Indicator 🔜 Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
8B	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday	100%	100%	Met	Target met, no further action required.	100%	100%
BC	COMAR 13A.13.01.09 Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.		
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	N/A	N/A



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- · Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance
<ol> <li>Primary Service Setting</li> <li>Birth – 4 Outcomes – Emotional Skills</li> <li>Birth – 4 Outcomes – Knowledge and Skills</li> <li>Birth – 4 Outcomes – Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearing
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1. 2. 5A 5B 5C 8A 8B 14	Students with IEPs graduating with a regular diploma Students with IEPs dropping out LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day; LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements. Preschool Parent Survey; or School Age Parent Survey. Post-School Outcomes	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> <li>Secondary Transition</li> </ol>
1.1	Correction of Noncompliance	Data and Submission of Reports
Timel • •	y Correction of Noncompliance State Complaints Due Process Hearings Indicator Data	Timely and Accurate
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
•	Timely and Accurate Submissions	Number of State complaints with violations
•	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance.

Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

## Intensive Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dr. James Scott Smith Superintendent St. Mary's County Public Schools 23160 Moakley Street, Suite 109 Leonardtown, Maryland 20650

Dear Dr. Smith: 2000

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the St. Mary's County Infants and Toddlers Program has achieved the determination status of "**Meets Requirements**."

Attached please find supporting documents:

- 1. *FFY 2017 Determination Overview* (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. James Scott Smith April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the St. Mary's County Infants and Toddlers Program has been assigned the "Universal" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the St. Mary's County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely. Jorcella E. Trancykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Scott Szczerbiak Cindy Kilcoyne Branch Chiefs

# St. Mary's County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	Annual SPI	Performa	ance Report		
SPP/APR Indicators			FFY 2	2017 (SFY 2	2018)	Antion Described	Previous Results	
Res	Results Indicator Compliance Indicator		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with services in natural environ COMAR 13A.13.01.07	र्षे भवान भवा भवा । १४ मध्य मध्य भवान भवा समाध भवा ।	94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	97.37%	Met	Target met, no further action required.	100%	100%
3A	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	57.84%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	56.70%	71.00%
54		2. Exits within age expectations	59.64%	59.40%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	58.23%	69.93%
3B	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	60.38%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	56.14%	66.09%
		2. Exits within age expectations	54.53%	60.90%	Met	Target met, no further action required.	55.70%	62.75%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	61.86%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	57.14%	69.57%

			2017 (SFY 2		ance Report	Proviou	s Results
Res	SPP/APR Indicators Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY FF 2016 201	
	2. Exits within age expectations	<b>Target</b> 50.02%	54.89%	Met	Target met, no further action required.	47.47%	54.90%
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	100%	Met	Target met, no further action required.	97.50%	99.10%
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	98.46%	Met	Target met, no further action required.	98.25%	97.30%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	98.46%	Met	Target met, no further action required.	98.26%	96.40%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.26%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year.	1.58%	1.19%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.62%	Met	Target met, no further action required.	3.43%	3.69%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	98.48%	95.73%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.43%	97.90%

St. Mary's County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

		Part C	Annual SPI	Performation Perfo	ance Report		
SPP/APR Indicators		FFY 2017 (SFY 2018)				Previous Results	
Res	Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY FFY 2016 201	
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	100%	97.96%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance					
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>					
Correction of Noncompliance	Data and Submission of Reports					
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate					
Fiscal	Complaints and Due Process Hearing					
Fiscal Accountability	Number of State complaints filed					
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations					
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed					
	Number of due process hearings with violations					

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

1//	Results	Compliance
1. 2. 5A 5B 5C 8A 8B 14	Students with IEPs graduating with a regular diploma Students with IEPs dropping out LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day; LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements. Preschool Parent Survey; or School Age Parent Survey. Post-School Outcomes	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> <li>Secondary Transition</li> </ol>
	Correction of Noncompliance	Data and Submission of Reports
Timel • •	y Correction of Noncompliance State Complaints Due Process Hearings Indicator Data	Timely and Accurate
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
0	Timely and Accurate Submissions	Number of State complaints with violations
•	Correction of Noncompliance	Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

### Universal Tier

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

### Focused Tier

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance.

Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

## **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



## Karen B. Salmon, Ph.D. State Superintendent of Schools

April 10, 2019

Dr. John B. Gaddis Superintendent Somerset County Public Schools 7892-A Tawes Campus Drive Westover, Maryland 2187

Dear Dr. Gaddis:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Somerset County Infants and Toddlers Program has achieved the determination status of "Needs Assistance – Year 2."

Attached please find supporting documents:

- 1. *FFY 2017 Determination Overview* (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. John B. Gaddis April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the DEI/SES Strategic Plan: Moving Maryland Forward provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Harford County Infants and Toddlers Program has been assigned the "Targeted" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Targeted tier will receive a comprehensive monitoring from the DEI/SES every other year.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Harford County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

arcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Cheryl A. O'Neal Branch Chiefs

# Somerset County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	Annual SPI	Performa	ance Report		
SPP/APR Indicators			FFY 2017 (SFY 2018)			Antine Denvined	Previous Results	
Res	Results Indicator 📃 Compliance Indicator			Local Results		Action Required	FFY 2016	FFY 2015
2	2 Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
3А	Birth - 4 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	59.37%	66.67%	Met	Target met, no further action required.	42.86%	40.00%
	COMAR 13A.13.01.08	2. Exits within age expectations	59.64%	36.36%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	33.33%	60.00%
	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	50.00%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	42.86%	50.00%
3B		2. Exits within age expectations	54.53%	45.45%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	33.33%	60.00%
3C	Use of appropriate subchaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	87.50%	Met	Target met, no further action required.	50.00%	0.00%
		2. Exits within age expectations	50.02%	63.64%	Met	Target met, no further action required.	33.33%	50.00%

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Res	SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2017 (SFY 2018) State Local Target Target Results Met		Action Required	Previous Results FFY FFY 2016 2015	
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	100%	Met	Target met, no further action required.	1	<10 responses
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	100%	Met	Target met, no further action required.	-	<10 responses
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	100%	Met	Target met, no further action required.	-	<10 responses
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	0.41%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	1.26%	1.57%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	2.36%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	2.05%	1.86%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	92.31%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required. Subsequent data demonstrated correction of the pervious noncompliance identified in FFY 16-17 within one year of the written finding.	80.00%	100%

SPP/APR Indicators		FFY 2017 (SFY 2018)				Previou	s Results
Res	Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	92.31%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the pervious noncompliance identified in FFY 16-17 within one year of the written finding.	83.33%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	84.62%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the pervious noncompliance identified in FFY 16-17 within one year of the written finding.	83.33%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%

	Part C	Annual SPP	Performa	ance Report	States and the second	
SPP/APR Indicators	FFY 2017 (SFY 2018)			The second state and the second state of the	Previous Results	
Results Indicator 🔜 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
Number of complaints filed	NA	0	NA	No further action required.	None	N/A
Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%


## Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dr. Kelly L. Griffith Superintendent Talbot County Public Schools P. O. Box 1029 Easton, Maryland 21601 Dear Dr. Griffith: Heath

Congratulations

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Talbot County Infants and Toddlers Program has achieved the determination status of "**Meets Requirements**."

Attached please find supporting documents:

- FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 – please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

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The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Talbot County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Talbot County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc

Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Kristin Mentges Michelle Y. Steelman Branch Chiefs

# Talbot County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	<b>Annual SPH</b>	Performa	ance Report		
1.	SPP/APR Indic	ators	FFY 2	2017 (SFY 2	2018)		Previou	is Results
Res	ults Indicator 📃 Comp		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
2	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07	CENTRATIVE COMPANY NOT AN OLD MODEL TO AN OLD TO AN	94.00%	100%	Met	Target met, no further action required.	100%	100%
Use of social – subs	1. Exits with substantial growth	59.37%	71.88%	Met	Target met, no further action required.	64.00%	56.52%%	
3A	COMAR 13A.13.01.08 2. Exits	2. Exits within age expectations	59.64%	72.00%	Met	Target met, no further action required.	59.52%	62.50%
	Birth - 4 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	62.71%	71.79%	Met	Target met, no further action required.	68.97%	63.64%
3B	COMAR 13A.13.01.08	2. Exits within age expectations	54.53%	64.00%	Met	Target met, no further action required.	59.52%	67.50%
	Birth - 4 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	69.50%	80.00%	Met	Target met, no further action required.	77.50%	65.52%
3C	COMAR 13A.13.01.08 2. Exits w	2. Exits within age expectations	50.02%	62.00%	Met	Target met, no further action required.	61.90%	67.50%
4A	Families who report EIS rights 20 U.S.C. 1416a(3)(A) an		89.00%	100%	Met	Target met, no further action required.	100%	<5 children
4B	Families who report EIS communicate their child' 20 U.S.C. 1416a(3)(A) an	helped them s needs	87.80%	96.67%	Met	Target met, no further action required.	100%	<5 children

Talbot County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)		Previou	s Results
Res	sults Indicator Compliance Indicator	iance Indicator State Local Targ		Target Met	Action Required	FFY 2016	FFY 2015
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	100%	Met	Target met, no further action required.	100%	<5 children
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	4.39%	Met	Target met, no further action required.	5.88%	3.25%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	6.35%	Met	Target met, no further action required.	5.86%	4.64%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	97.06%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%

SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)		Previous Results	
esults Indicator 📃 Compliance Indicator	State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
Number of complaints filed	NA	0	NA	No further action required.	None	N/A
Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



### Maryland State Department of Education Division of Early Intervention and Special Education Services

FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>
Correction of Noncompliance	Data and Submission of Reports
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate
Fiscal	Complaints and Due Process Hearing
Fiscal Accountability	Number of State complaints filed
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations
Correction of Noncompliance	Number of due process hearings filed
	Number of due process hearings with violations

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1.	Students with IEPs graduating with a regular diploma	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> </ol>
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
1.31	Correction of Noncompliance	Data and Submission of Reports
Timel • •	y Correction of Noncompliance State Complaints Due Process Hearings Indicator Data	Timely and Accurate
2.0	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
•	Timely and Accurate Submissions	Number of State complaints with violations
•	Correction of Noncompliance	Number of due process hearings filed
	T 12	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### Universal Tier

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance.

Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- (1) Take any of the actions described in 34 C.F.R. §300.604(a); and/or
- (2) Take one or more of the following actions:
  - (i) Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
  - Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

### Intensive Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dr. Boyd J. Michael III Superintendent Washington County Public Schools 10435 Downsville Pike Hagerstown, Maryland 21740

Song atulationa

Dear Dr. Michael:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Washington County Infants and Toddlers Program has achieved the determination status of "**Meets Requirements**."

Attached please find supporting documents:

- 1. *FFY 2017 Determination Overview* (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. Boyd J. Michael III April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Washington County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Washington County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

arcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Jeff Gladhill Mariam Robins Branch Chiefs

# Washington County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

						ance Report		
Res	SPP/APR Indicator 📕 Com		State Target			Action Required	Previous Results FFY FFY 2016 2015	
2	Infants and Toddlers wit services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	99.44%	98.80%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07	1월 - CLED MED 전 2017 - CLED 전 2017 전 2017 2017 2017 2017 2017	94.00%	100%	Met	Target met, no further action required.	100%	100%
3A	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	45.36%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	52.75%	38.04%
эн		2. Exits within age expectations	59.64%	42.86%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	55.00%	55.33%
	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	63.28%	Met	Target met, no further action required.	51.72%	33.93%
38		2. Exits within age expectations	54.53%	35.00%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	42.14%	40.00%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	59.84%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	69.75%	63.24%

		Part C	Annual SPI	P Performa	ance Report		
	SPP/APR Indicators	FFY 2	2017 (SFY 2	2018)	Action Dequined	Previou	s Results
Res	Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
	2. Exits within age expectations				Target not met. Submit an Improvement Plan within 30 days from the date of this		
		50.02%	41.43%	Not Met	letter; identify the root causes and evidence based practices to demonstrate improved child results.	39.39%	48.67%
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	98.06%	Met	Target met, no further action required.	95.04%	97.90%
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	95.15%	Met	Target met, no further action required.	97.46%	99.00%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	100%	Met	Target met, no further action required.	97.44%	97.90%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.85%	Met	Target met, no further action required.	1.68%	2.00%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.32%	Met	Target met, no further action required.	3.40%	3.30%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	99.56%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.59%	98.03%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%

Washington Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

SPP/APR Indicators		FFY 2017 (SFY 2018)				Previous Results	
Res	Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016 100%	FFY 2015
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09		100%	Met	Target met, no further action required.		100%
88	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance				
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>				
Correction of Noncompliance	Data and Submission of Reports				
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate				
Fiscal	Complaints and Due Process Hearing				
Fiscal Accountability	Number of State complaints filed				
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations				
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed				
	Number of due process hearings with violations				

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1. 2. 5A 5B 5C	Students with IEPs graduating with a regular diploma Students with IEPs dropping out LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day; LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	11.       Initial Evaluation Timeline         12.       Part C to B Transition         13.       Secondary Transition
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
	Correction of Noncompliance	Data and Submission of Reports
Timel • •	y Correction of Noncompliance State Complaints Due Process Hearings Indicator Data	Timely and Accurate
1	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
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The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

#### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- Take any of the actions described in 34 C.F.R. §300.604(a); and/or (1)(2)
  - Take one or more of the following actions:
    - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE (i) · determines that the public agency should be able to correct the problem within one year;
    - Require the public agency to enter into a compliance agreement under section 457 of the General (ii)Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
    - For each year of the determination, withholds not less than 20 percent and not more than 50 percent (iii) of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
    - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
    - Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA. (v)

### **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



April 10, 2019

Dr. Donna C. Hanlin Superintendent Wicomico County Board of Education P. O. Box 1538 Salisbury, Maryland 21802-1538

Dear Dr. Hanlin:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Wicomico County Infants and Toddlers Program has achieved the determination status of "Needs Assistance – Year 1."

Attached please find supporting documents:

- 1. *FFY 2017 Determination Overview* (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. Donna C. Hanlin April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Wicomico County Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Wicomico County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

arcella E. Francyfouske

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Bonnie L. Walston Patricia Adkins Branch Chiefs

# Wicomico County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

						ance Report		
Res	SPP/APR Indicators Results Indicator Compliance Indicator			2017 (SFY 2 Local Results	2018) Target Met	Action Required	Previous Results FFY FFY 2015	
2	Infants and Toddlers with IFSPs who receive services in natural environments COMAR 13A.13.01.07		Target           94.00%	100%	Met	Target met, no further action required.	<b>2016</b> 100%	<b>2015</b> 100%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
3A	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	45.24%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	52.08%	37.50%
JA		2. Exits within age expectations	59.64%	48.21%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	67.47%	59.00%
38	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	55.10%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	49.15%	44.64%
36		2. Exits within age expectations	54.53%	44.64%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	59.04%	56.00%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	59.57%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	61.19%	53.97%

Wicomico County Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

					ance Report		
1.2%	SPP/APR Indicators	FFY 2 State	2017 (SFY 2	2018)	Action Required	Previou	s Results
Res	Results Indicator Compliance Indicator		Local Results	Target Met	Action Required	FFY 2016	FFY 2015
	2. Exits within age expectations	50.02%	44.64%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence	57.83%	57.00%
					based practices to demonstrate improved child results.		
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	99.09%	Met	Target met, no further action required.	98.98%	99.20%
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	99.09%	Met	Target met, no further action required.	98.00%	98.30%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	99.07%	Met	Target met, no further action required.	99.01%	98.30%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.62%	Met	Target met, no further action required.	0.74%	0.92%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	2.17%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	2.20%	3.21%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%

Wicomico Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

	SPP/APR Indicators	FFY 2017 (SFY 2018)				Previous Results	
Results Indicator Compliance Indicator		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility				Target met, no further action required.		
8B	at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met		100%	100%
BC	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%
	Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
	Number of complaints filed	NA	0	NA	No further action required.	None	N/A
	Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
1	Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
	Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
	Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



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2.	Students with IEPs dropping out	13. Secondary Transition			
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;				
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and				
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The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

#### **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- Take any of the actions described in 34 C.F.R. §300.604(a); and/or (1)(2)
  - Take one or more of the following actions:
    - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE (i) · determines that the public agency should be able to correct the problem within one year;
    - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
    - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
    - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
    - Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA. (v)

### **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



## Karen B. Salmon, Ph.D.

State Superintendent of Schools

April 10, 2019

Dear Mr. Taylor:

Mr. Louis Taylor Superintendent Worcester County Board of Education 6270 Worcester Highway Newark, Maryland 2184 Lows

Congratulations

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements." "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303,700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Worcester County Infants and Toddlers Program has achieved the determination status of "Meets Requirements."

Attached please find supporting documents:

- 1. FFY 2017 Determination Overview (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 – please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached Part C Child Outcomes Baselines and Targets for Local Determinations document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

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Mr. Louis Taylor April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Worcester County Infants and Toddlers Program has been assigned the "Universal" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Worcester County Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Jarcella E. Franczkowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MEF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Rae Ann Record Kathy Simon Branch Chiefs

## Worcester County Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

1			Part C	Annual SPI	P Performa	ance Report		
	SPP/APR Indie	FFY 2017 (SFY 2018)			Action Required	Previous Results		
Results Indicator Compliance Indicator						Target Met	FFY 2016	FFY 2015
2	<ul> <li>Infants and Toddlers with IFSPs who receive</li> <li>services in natural environments</li> <li>COMAR 13A.13.01.07</li> </ul>		94.00%	100%	Met	Target met, no further action required.	100%	100%
2 Ext IFSP	Infants and Toddlers with services in natural environ COMAR 13A.13.01.07		94.00%	100%	Met	Target met, no further action required.	100%	100%
3A	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	60.87%	Met	Target met, no further action required.	50.00%	53.85%
		2. Exits within age expectations	59.64%	75.00%	Met	Target met, no further action required.	60.47%	68.09%
38	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	53.57%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	51.72%	48.00%
		2. Exits within age expectations	54.53%	68.18%	Met	Target met, no further action required.	55.81%	65.96%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	63.41%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	65.85%	52.50%
		2. Exits within age expectations	50.02%	56.82%	Met	Target met, no further action required.	34.88%	55.32%
4A	Families who report EIS rights 20 U.S.C. 1416a(3)(A) at		89.00%	100%	Met	Target met, no further action required.	96.88%	96.20%

		and the second se			ance Report		
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2017 (SFY 2018)				Previou	s Results
		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	96.67%	Met	Target met, no further action required.	96.60%	92.00%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	96.30%	Met	Target met, no further action required.	96.88%	100%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	2.37%	Met	Target met, no further action required.	2.18%	2.28%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	4.30%	Met	Target met, no further action required.	3.37%	3.68%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	98.41%
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	100%	Met	Target met, no further action required.	100%	100%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no further action required.	100%	100%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no further action required.	100%	100%

Worcester Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Special Early Intervention and Special Education Services

SPP/APR Indicators	Part C Annual SPP Performa FFY 2017 (SFY 2018)				Previous Results	
Results Indicator 📕 Compliance Indicator	State Local Target Results		Target Met	Action Required	FFY 2016	FFY 2015
Timely and valid data	100%	100%	Met	Data and reports submitted in a timely and accurate manner. No further action required.	100%	100%
Number of complaints filed	NA	0	NA	No further action required.	None	N/A
Number of State complaints identified with violation(s)	NA	0	NA	No further action required.	N/A	N/A
Number of due process hearings filed	NA	0	NA	No further action required.	None	N/A
Number of due process hearings identified with violations	NA	0	NA	No further action required.	N/A	N/A
Fiscal Accountability: Number of findings identified	NA	0	NA	No further action required.	100%	100%



Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance				
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>				
Correction of Noncompliance	Data and Submission of Reports				
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate				
Fiscal	Complaints and Due Process Hearing				
Fiscal Accountability	Number of State complaints filed				
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations				
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed				
	Number of due process hearings with violations				
The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1.	Students with IEPs graduating with a regular diploma	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> </ol>
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
	Correction of Noncompliance	Data and Submission of Reports
Time	y Correction of Noncompliance	Timely and Accurate
•	State Complaints	
0	Due Process Hearings	
•	Indicator Data	
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
•	Timely and Accurate Submissions	Number of State complaints with violations
•	Correction of Noncompliance	Number of due process hearings filed
	3	Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
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- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

## Universal Tier

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

## Targeted Tier

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

## Focused Tier

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance.

Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of the IDEA, the MSDE must implement enforcement actions. The MSDE may:

- Take any of the actions described in 34 C.F.R. §300.604(a); and/or (1)(2)
  - Take one or more of the following actions:
    - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE (i) · determines that the public agency should be able to correct the problem within one year;
    - (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. §1221 et seq. (GEPA), if the MSDE has reason to believe that the public agency cannot correct the problem within one year;
    - For each year of the determination, withholds not less than 20 percent and not more than 50 percent (iii) of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
    - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
    - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

# **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.



April 10, 2018

Dr. Letitia Dzirasa Commissioner of Health Baltimore City Public Health Department 1001 Fayette Street Baltimore, MD 21202

Dear Dr. Dzirasa:

The Maryland State Department of Education (MSDE), Division of Early Intervention and Special Education Services (DEI/SES) is required by the United States Department of Education (USDE), Office of Special Education Programs (OSEP) to make determinations annually regarding the performance of each local Infants and Toddlers Program (LITP) using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§303.700 and 300.703]. The MSDE, DEI/SES uses a results-based rubric for given indicators to evaluate each local Infants and Toddlers Program's performance in meeting the State's identified targets. For Federal Fiscal Year (FFY) 2017 determinations, the Baltimore City Infants and Toddlers Program has achieved the determination status of "Needs Assistance – Year 1."

Attached please find supporting documents:

- 1. *FFY 2017 Determination Overview* (identifies the Part C Indicators used to assign a local determination on pages 1 and 2 please note that fiscal and complaints/due process hearing data continues to be used);
- 2. FFY 2017 Local Determination Scoring Criteria (provides a six-year graduated results driven accountability plan used to make a local determination by year);
- 3. FFY 2017 Annual Report Card on SPP/APR Part C Indicators (provides a three-year local data analysis and required actions); and
- 4. DEI/SES Differentiated Framework: Tiers of Supervision and Support (provides the framework used by the DEI/SES to guide the level of monitoring and corresponding level of performance support provided to LITPs).

To implement a results-driven accountability system, we continue to focus on the three child outcome indicators. In 2015, a revised baseline was required and new targets established. Please see the attached *Part C Child Outcomes Baselines and Targets for Local Determinations* document. The DEI/SES has developed one set of baselines and targets that are inclusive of both children who receive services from birth to three and children who receive services through an Extended IFSP. The decision to examine child outcomes as one group independent of age was unanimously supported by LITP Directors and Preschool Coordinators through a stakeholder discussion held in 2014. Please note the attached revised baseline and targets for local determinations of Maryland's LITPs will not be included in Maryland's Annual Performance Report (APR) to OSEP. For federal reporting, OSEP requested that Maryland report child outcomes data for children birth to three years separately from child outcomes data for children older than three so that comparisons could be made with other states that are not serving children through an IFSP after age three.

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD MarylandPublicSchools.org Dr. Letitia Dzirasa April 10, 2019 Page Two

The shift to a more balanced accountability approach does not relieve the DEI/SES from ensuring compliance, correction of identified noncompliance, and the receipt of timely and accurate data. As a result of the accountability shift to an increased emphasis on results, an LITP's determination status may be impacted in the future.

To support Maryland's commitment to narrow the opportunity and achievement gaps for infants, toddlers, and young children with disabilities and their families, the implementation of the *DEI/SES Strategic Plan: Moving Maryland Forward* provides a statewide differentiated framework for general supervision and performance support. Based upon comprehensive data analysis (including the SPP/APR local determination status), the Baltimore City Infants and Toddlers Program has been assigned the "**Universal**" tier for the delivery of the DEI/SES technical assistance model for results. LITPs assigned to the Universal tier will receive a comprehensive monitoring from the DEI/SES every four years.

Local Infants and Toddlers Programs are strongly encouraged to work closely with their Local Interagency Coordinating Council (LICC) and Family Support Centers to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for infants, toddlers, and young children with disabilities and their families. As we continue this shift in focus to results-driven accountability, the MSDE, DEI/SES will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the Baltimore City Infants and Toddlers Program to improve results for infants, toddlers, and preschool age children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

arcella E. Francykowski

Marcella E. Franczkowski, M.S. Assistant State Superintendent Division of Early Intervention and Special Education Services

MF/BMM/cc Attachments

c: Karen B. Salmon, Ph.D. Carol A. Williamson, Ed.D. Dr. Deborah Brooks Branch Chiefs

# Baltimore City Infants and Toddlers Program Annual Data on Part C State Performance Plan (SPP) Priority Indicators for the Period July 1, 2017 – June 30, 2018

			Part C	<b>Annual SPP</b>	Performa	nce Report		
	SPP/APR Indicators			2017 (FSY 2	018)		Previous Results	
Res	Results Indicator Compliance Indicator		and the second s		Target Met	Action Required	FFY FFY 2016 201	
2	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	98.04%	Met	Target met, no required action.	96.81%	97.10%
2 Ext IFSP	Infants and Toddlers with services in natural enviro COMAR 13A.13.01.07		94.00%	98.67%	Met	Target met, no required action.	94.89%	99.10%
3A	Birth - 4 Outcomes: Use of social – emotional skills COMAR 13A.13.01.08	1. Exits with substantial growth	59.37%	48.55%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	13.58%	58.37%
	,	2. Exits within age expectations	59.64%	63.68%	Met	Target met, no required action.	71.31%	58.64%
210	Birth - 4 Outcomes: Use of knowledge and skills COMAR 13A.13.01.08	1. Exits with substantial growth	62.71%	48.87%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	37.64%	47.01%
3B		2. Exits within age expectations	54.53%	46.10%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	53.32%	42.86%
3C	Birth - 4 Outcomes: Use of appropriate behaviors COMAR 13A.13.01.08	1. Exits with substantial growth	69.50%	52.38%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	36.17%	48.96%
		2. Exits within age expectations	50.02%	51.24%	Met	Target met, no required action.	56.10%	40.07%

Baltimore City Annual Data FFY 2017 (SFY 2018) Maryland State Department of Education Division of Early Intervention and Special Education Services

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			Annual SPP			Drouter	c Doculto
SPP/APR Indicators		FFY 2017 (FSY 2018) State Local Target			Action Required	Previous Results	
Res	Results Indicator Compliance Indicator		Local Results	Target Met		FFY 2016	FFY 2015
4A	Families who report EIS helped them know their rights 20 U.S.C. 1416a(3)(A) and 1442	89.00%	97.04%	Met	Target met, no required action.	97.81%	95.60%
4B	Families who report EIS helped them communicate their child's needs 20 U.S.C. 1416a(3)(A) and 1442	87.80%	98.66%	Met	Target met, no required action.	96.39%	97.40%
4C	Families who report EIS helped them help their children develop and learn 20 U.S.C. 1416a(3)(A) and 1442	91.00%	98.38%	Met	Target met, no required action.	97.44%	98.20%
5	Children birth to one served as a percentage of the population birth to one COMAR 13A.13.02.04	1.54%	1.26%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results.	1.35%	1.38%
6	Children birth to three served as a percentage of the population birth to 3 COMAR 13A.13.02.04	3.20%	3.38%	Met	Target met, no required action.	3.06%	2.76%
1	Timely Delivery of IFSP Services COMAR 13A.13.01.07	100%	93.89%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	92.13%	94.25%

	SPP/APR Indicators	FFV	2017 (FSY 2	018)		Previou	s Results
Results Indicator Compliance Indicator		State Target	Local Results	Target Met	Action Required	FFY 2016	FFY 2015
7	Percentage of toddlers for whom the evaluation and the initial IFSP was within 45 days from the date of referral COMAR 13A.13.01.07	100%	95.55%	Not Met	Target not met. Submit an Improvement Plan within 30 days from the date of this letter; identify the root causes and evidence based practices to demonstrate improved child results. Correction of the noncompliance must be demonstrated and verified within one year. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	97.06%	83.63%
8A	Percentage of toddlers exiting Part C for whom transition steps and services were added to the IFSP at least 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no required action.	100%	100%
8B	Percentage of toddlers for whom the LEA and SEA were notified of potential Part B eligibility at least 90 days prior to the third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no required action.	100%	100%
8C	Percentage of children for whom the transition conference was held 90 days, and not more than nine months, prior to the toddler's third birthday COMAR 13A.13.01.09	100%	100%	Met	Target met, no required action. Subsequent data demonstrated correction of the previous noncompliance identified in FFY 16-17 within one year of the written finding.	99.67%	99.68%
	Correction of Noncompliance COMAR 13A.13.02.04	100%	100%	Met	Target met, no required action.	100%	100%
	Timely and valid data	100%	<100%	Not Met	Fiscal and Programmatic Reports were submitted untimely.	*	*
	Number of complaints filed	NA	0	NA	No further action required.	*	*

SPP/APR Indicators Results Indicator Compliance Indicator		Part C Annual SPP Performan FFY 2017 (FSY 2018)				Previous Results	
		State Target		Action Required	FFY 2016	FFY 2015	
	umber of State complaints identified with iolation(s)	NA	0	NA	No further action required.	*	*
N	umber of due process hearings filed	NA	0	NA	No further action required.	*	*
	umber of due process hearings identified with olations	NA	0	NA	No further action required.	*	*
0.2	iscal Accountability: Number of findings lentified	NA	2	NA	Correction of the identified noncompliance must be demonstrated and verified within 1 year of notification.	*	*

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Maryland State Department of Education Division of Early Intervention and Special Education Services

> FFY 2017 Determination Overview Part C & Part B July 1, 2017 – June 30, 2018



The Individuals with Disabilities Education Act (IDEA) is focused on state accountability for Part C and Part B Indicators defined in the Office of Special Education's (OSEP) State Performance Plan. Annually, the OSEP evaluates each state's performance on these Indicators, and, as a result, assigns each state to one of four levels of determination: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in June 2019.

To receive a State determination, the IDEA requires states to evaluate each Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System/Public Agency (LSS/PA) for the IDEA Part B special education performance on the established Indicators. As a result of that evaluation, the state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the OSEP requires states to consider:

- Performance on Results and Compliance Indicators;
- Validity, reliability (accuracy), and timeliness of data submitted;
- Uncorrected noncompliance from other sources;
- Audit findings; and
- Other information.

The MSDE, Division of Early Intervention/Special Education Services (DEI/SES), uses a results-based rubric on identified indicators to rate the performance for each LLA and LSS/PA in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. The status and results for each LLA and LSS/PA will be posted, as required, on the MSDE Public Website of State Performance Plan Results at <a href="http://mdideareport.org">http://mdideareport.org</a> no later than June 1, 2019.

The following Part C indicators are included in assigning FFY 2017 determinations:

Results	Compliance				
<ol> <li>Primary Service Setting</li> <li>Birth - 4 Outcomes - Emotional Skills</li> <li>Birth - 4 Outcomes - Knowledge and Skills</li> <li>Birth - 4 Outcomes - Use of appropriate behaviors</li> <li>Family Survey-Know their rights</li> <li>Family Survey-Effectively communicate their children's needs</li> <li>Family Survey-Help their children develop and learn</li> <li>Child Find 0-1</li> <li>Child Find 0-3</li> </ol>	<ol> <li>Timely Services</li> <li>45 Day Timeline</li> <li>8A. Transition - Transition Outcomes</li> <li>8B. Transition - Notification to LSS</li> <li>8C. Transition - Timely Planning Meeting</li> </ol>				
Correction of Noncompliance	Data and Submission of Reports				
Timely Correction of Noncompliance <ul> <li>State Complaints</li> <li>Due Process Hearings</li> <li>Indicator Data</li> </ul>	Timely and Accurate				
Fiscal	Complaints and Due Process Hearing				
Fiscal Accountability	Number of State complaints filed				
<ul> <li>Timely and Accurate Submissions</li> </ul>	Number of State complaints with violations				
<ul> <li>Correction of Noncompliance</li> </ul>	Number of due process hearings filed				
	Number of due process hearings with violations				

The following **Part B** indicators are included in assigning FFY 2017 determinations (note: for FFY 2017 disproportionality indicators were not used in the determination criteria):

	Results	Compliance
1.	Students with IEPs graduating with a regular diploma	<ol> <li>Initial Evaluation Timeline</li> <li>Part C to B Transition</li> </ol>
2.	Students with IEPs dropping out	13. Secondary Transition
5A	LRE for Students Ages 6-21 -Inside the regular class 80% or more of the day;	
5B	LRE for Students Ages 6-21 -Inside the regular class less than 40% of the day; and	
5C	LRE for Students Ages 6-21- In separate schools, residential facilities, or housebound/ hospital placements.	
8A	Preschool Parent Survey; or	
8B	School Age Parent Survey.	
14	Post-School Outcomes	
	Correction of Noncompliance	Data and Submission of Reports
Timel	y Correction of Noncompliance	Timely and Accurate
•	State Complaints	
•	Due Process Hearings	
•	Indicator Data	
	Fiscal	Complaints and Due Process Hearings
Fiscal	Accountability	Number of State complaints filed
•	Timely and Accurate Submissions	Number of State complaints with violations
<ul> <li>Correction of Noncompliance</li> </ul>		Number of due process hearings filed
		Number of due process hearings with violations

The MSDE supports the efforts and work of each LLA and LSS/PA to improve child/student performance and to identify and correct noncompliance with federal and State requirements. The MSDE, DEI/SES comprehensive system of general supervision, Birth - 21, is encompassed in the Differentiated Framework. The Differentiated Framework includes two parallel systems of support. The left represents four tiers of general supervision: "Universal," "Targeted," "Focused," and "Intensive." The inverted right represents the corresponding tiers of performance support. The processes embedded in the *Differentiated Framework* include: Data collection; Data verification; Identification of LSS/PA performance status; LSS/PA improvement; Reporting; and Enforcements. Within these processes are the essential components of Maryland's comprehensive system of general supervision:

- 1) Effective policies and procedures;
- 2) State Performance Plan (SPP) goals and targets;
- 3) Monitoring for Continuous Improvement and Results (MCIR);
- 4) Fiscal management;
- 5) Dispute resolution; and
- 6) Targeted technical assistance and support.

The DEI/SES has aligned its responsibility for general supervision with tiers of engagement for program support and technical assistance to provide a MTSS for monitoring and technical assistance to address the needs of each LSS/PA. The *Differentiated Framework* illustrates the shared responsibility and shared accountability to improve results for children and youth with disabilities. The Division is committed to maintaining compliance and providing supports to improve the quality of special education services. An LSS/PA is assigned to a tier of general supervision and oversight based upon performance on federal compliance and results indicators, correction of noncompliance, analysis of data, fiscal management, and monitoring findings. The corresponding support an LSS/PA can expect to receive is differentiated and based on their assigned tier and a comprehensive analysis of the public agency's needs. *The Differentiated Framework* directs the Division's attention to LSSSs/PAs in need of more comprehensive engagement, technical assistance, and support to enable those LSSs/PAs to meet Indicator targets, improve results, narrow the achievement gap, correct identified noncompliance, and maintain compliance.

A majority of the LSSs/PAs are currently in the Universal Tier of General Supervision. This represents LSSs/PAs that have met identified performance and compliance criteria, resulting in a determination status of "Meets Requirements" or is in the first year of "Needs Assistance." The LSSs/PAs assigned to the Universal Tier of General Supervision have no

findings of noncompliance or have corrected all findings of noncompliance within one year, or have demonstrated subsequent correction, and/or have maintained compliance.

Each LSS/PA is monitored annually through a desk audit and cross-divisional data analysis of SPP Indicators, local priorities, and fiscal data. Additionally, a cyclical general supervision monitoring of select LSS/PAs includes, at a minimum, student record reviews for IDEA requirements, a review of policy, procedures, and practices, interviews, observations, case studies, and sub-recipient fiscal monitoring. Each LSS/PA develops and self-monitors an internal work plan including Local Priority Flexibility to address locally identified needs.

## **Universal Tier**

In the Universal Tier of Engagement, the focus is on professional development/learning and support to address statewide needs based on overall State trend data, (e.g., performance on SPP Indicators, child outcomes, and student achievement). This includes general information related to special education policies, procedures and practices, as well as the general work of the MSDE. Examples of statewide technical assistance include State and regional professional development, online tools, resources through Maryland Learning Links, and Technical Assistance Bulletins. Comprehensive monitoring for the universal tier occurs once every four years.

### **Targeted Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for two consecutive years or "Needs Intervention" for one year is assigned to the Targeted Tier of General Supervision. An LSS/PA in this tier may have an active Corrective Action Plan(s) (CAPs) for identified noncompliance, and/or although noncompliance may be corrected within one year, compliance is not sustained.

Comprehensive monitoring occurs every other year and includes customized data analysis with real-time local and State data. Activities may include, but are not limited to: student record reviews using selected sections of the student record review document, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, and/or case studies. State and local joint cross-departmental and cross-divisional teams are formed to address identified needs. The LSS/PA develops a local Improvement Plan which is submitted to and approved by the DEI/SES.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of the IDEA, the MSDE must take one or more of the following actions:

- (1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
- (2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
- (3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under the IDEA.

The corresponding Targeted Tier of Engagement focuses on professional learning and support (training, coaching, and technical assistance) to address the needs of the LSS/PA on specific topics identified through general supervision. It is a responsive and proactive approach to prevent the LSS/PA from needing substantial support. The LSS/PA leadership is required to engage with the Division to review State and local data and information in order to implement an Improvement Plan that is approved by the DSE/EIS to build capacity to effectively address the identified needs. Evaluation and periodic feedback are critical elements of Targeted Engagement. A Targeted Assistance and Support Committee (TASC) team, consisting of jointly identified local and state cross-Divisional members, provides performance-based and responsive support.

#### **Focused Tier**

An LSS/PA receiving a determination status of "Needs Assistance" for three consecutive years, "Needs Intervention" for two consecutive years, or "Needs Substantial Intervention" for one year is assigned to the Focused Tier of General Supervision. These LSS/PAs continue to have findings of noncompliance, have active CAPs for two or more years, and demonstrate little progress despite general and targeted technical assistance. Focused monitoring is enhanced and differentiated, and includes in-depth data analysis, and requires the participation of the State and local superintendent as well as identified stakeholders. Focused monitoring occurs annually and may include, but is not limited to: student record reviews using selected sections of the DEI/SES record review document, a review of the LSS/PA's real time data, a review of policies, procedures, and practices, a review of the LSS/PA's system of general supervision, interview questions, provider observations, and case studies. A Focused and Comprehensive Action Plan is jointly developed by the LSS/PA and DEI/SES.

At this level, the goal of the Focused Tier of Engagement is to direct substantial support to address the continuous lack of improvement of the LSS/PA through significant systems change. As described above, a joint multi-faceted State and local Focused Intervention and Accountability Team (FIAT) meet quarterly to develop, implement, and review progress in affecting systems change in policy, program, instructional practices, and professional learning at multiple systems levels. Principles of effective systems change, implementation, evaluation, and sustainability are foundational elements of the technical assistance. The LSS/PA develops a local Improvement Plan, jointly with the DEI/SES. Frequent feedback and general supervision is maintained throughout the extent of the technical assistance. Comprehensive monitoring occurs annually for LSS/PAs in the focused tier.

The State Superintendent and the DEI/SES Assistant State Superintendent work closely with the local School Superintendent or local Public Agency Head to develop a cross-departmental, cross-divisional State and local implementation team. The MSDE provides increased oversight activities to assess progress and may direct federal funds, impose special conditions, and/or require a regular submission of data. The LSS/PA leadership is required to participate in a quarterly joint State and local FIAT to review progress. Of note is that the state automatically assigns SSIP jurisdictions to the Focused Tier as those jurisdictions are provided with a substantial level of support.

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- (2) Take one or more of the following actions:
  - Requires the public agency to prepare a corrective action plan or improvement plan if the MSDE determines that the public agency should be able to correct the problem within one year;
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  - (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under Section 611(e) of the IDEA, until the MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention;
  - (iv) Seeks to recover funds under Section 452 of the GEPA; and/or
  - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

# **Intensive** Tier

At the highest tier, the Intensive Tier of General Supervision, an LSS/PA fails to progress and correct previously identified noncompliance despite receiving technical assistance and support. The failure to comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight. The LSS/PA enters into a formal agreement with the MSDE to guide improvement and may have additional sanctions. The LSS/PA informs the MSDE of its unwillingness to comply with core requirements.

The Intensive Tier of Engagement focuses on providing support based on a Formal Agreement that is developed to guide improvement and correction with onsite supervision. The MSDE may direct, recover or withhold State or federal funds. Comprehensive monitoring occurs twice annually for LSS/PAs in the intensive tier.

In addition to the enforcement actions described above, if the MSDE determines a LLA or LSS/PA needs substantial intervention in implementing the requirements of the IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under the IDEA, in accordance with 34 C.F.R. §300.604(c), the MSDE may take one or more of the following actions:

- (1) Recover Funds under section 452 of the GEPA; and/or
- (2) Withhold, in whole or in part, any further payments to the public agency under the IDEA.

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved, pursuant to the procedures in in 34 C.F.R. §§ 300.180 through 300.183.