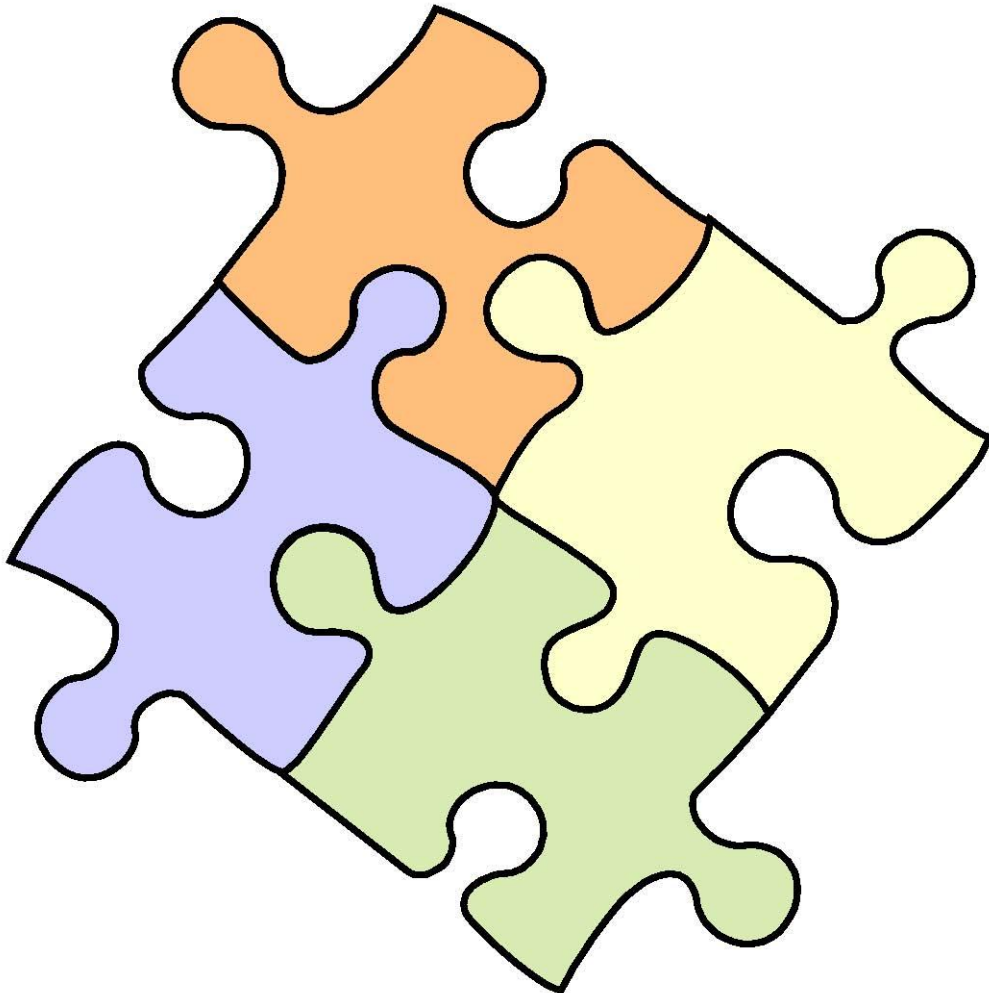


# **FFY 2010 (2010-2011) Annual Performance Report (APR)**



Maryland State Department of Education  
Division of Special Education/Early Intervention Services  
**Revised April 13, 2012**

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## MARYLAND'S FFY 2010 (2010 – 2011) STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT

### Overview of Development of the FFY 2010 State Performance Plan and Annual Performance Report

The attached documents are the Maryland State Department of Education's (MSDE) FFY 2010 (2010 – 2011) State Performance Plan/Annual Performance Report (SPP/APR). The APR provides the data and information required in accordance with the Part B SPP/APR Instruction Sheet provided by the Office of Special Education Programs (OSEP) dated November 22, 2011.

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

- Special Education State Advisory Committee (SESAC)
- Local Directors of Special Education
- State Interagency Coordinating Council (SICC) [Indicators 7, 8, and 12]

The FFY 2010 SPP/APR will be available on the MSDE website within 120 days of the submission and disseminated to all local school systems and public agencies in the State, to members of the SESAC, and to all local Special Education Citizens' Advisory Committees (SECACs). The FFY 2010 SPP/APR will also be made available to various media, consistent with the MSDE dissemination of other written material. Upon the OSEP approval of the FFY 2010 SPP/APR, copies will be sent to local superintendents of schools, local directors of special education in each local school system and public agency, the SESAC members, and the Parents' Place of Maryland, Inc.

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

On October 12, 2011 the preliminary SPP/APR data regarding the activities for each indicator and progress and/or slippage were presented at the annual Fall Special Education Leadership Conference in a presentation entitled, "The State of the State." Attendees at this conference included the IDEA Part B local directors of special education, Part C local lead agencies, members of the SESAC and SICC, advocates, and parents.

Stakeholder input regarding revision and implementation of the SPP/APR were gathered on September 22, 2011, November 17, 2011 and January 26, 2012 at public meetings of the SESAC. At those meetings, data were shared concerning the current status of SPP/APR Indicators. On September 22, 2011, information was shared with the members of the SESAC, about the overall SPP/APR, State determination by OSEP, State local determinations, Indicator 4A, Suspension and Expulsion, Indicator 5

LRE, Indicator 8 Parent Involvement, Indicator 11 Initial Evaluation, Indicator 12 Transition from Part C to Part B, and Indicator 13, Secondary Transition. At the SESAC meeting on November 17, 2011, information was shared for input on Indicator 4B Suspension and Expulsion by Race/Ethnicity and Disability, Indicator 9 Disproportionality (Identification/ Race/Ethnicity), Indicator 10 Disproportionality (Identification/ Race/Ethnicity and Disability Category), Indicator 15 General Supervision, Indicator 16 State Complaints, Indicator 17 Due Process Complaints, Indicator 18 Resolutions, Indicator 19 Mediations, and Indicator 20, State Reported Data. On January 26, 2012 information was shared and discussed for input on the remaining indicators: Indicator 1 Graduation, Indicator 2 Dropout, Indicator 3 Assessment, Indicator 7, Preschool Outcomes, and Indicator 14 Post School Outcomes. Additionally, the results of the Mid-South Regional Resource Center (MSRRC) review of the draft FFY 2010 SPP/APR submission were shared.

The review and preparation of the FFY 2010 APR led to the discussion of the significant amount of acronyms used throughout the report. It was determined that providing a list of the acronyms used would be of great benefit to the reader. The acronyms list may be found immediately following this overview.

Maryland's FFY 2010 Part B APR contains actual target data and other responsive APR information for:

- **Indicator 1** (pages 6-12)
- **Indicator 2** (pages 13-16)
- **Indicator 3** (pages 17-31)
- **Indicator 4A** (pages 32-38)
- **Indicator 4B** (pages 39-42)
- **Indicator 5** (pages 44-47)
- **Indicator 7** (pages 48-53)
- **Indicator 8** (pages 54-62)
- **Indicator 9** (pages 63-66)
- **Indicator 10** (pages 67-72)
- **Indicator 11** (pages 73-77)
- **Indicator 12** (pages 78-83)
- **Indicator 13** (pages 84-87)
- **Indicator 14** (pages 88-95)
- **Indicator 15** (pages 96-107)
- **Indicator 16** (pages 108-109)
- **Indicator 17** (pages 110-111)
- **Indicator 18** (pages 112-113)

- **Indicator 19** (pages 114-115)
- **Indicator 20** (pages 116-122)

In accordance with FFY 2010 SPP/APR instructions, Maryland need not report on Indicator 6. In addition to information submitted in the SPP/APR, the following documents are attached to the end of the document:

- **Attachment 1** FFY 2010 Indicator 3 Report of Participation and Performance of Students with Disabilities on Statewide Assessments – Table 6 (pages 123-142)
- **Attachment 2** FFY 2010 Indicator 8 Parent Surveys (pages 143-151)
- **Attachment 3** FFY 2010 Indicator 15 Worksheet (pages 152-156)
- **Attachment 4** FFY 2010 Indicators 16-19, Table 7 Dispute Resolution (pages 157-158)
- **Attachment 5** FFY 2010 Indicator 20 Scoring Rubric (pages 159-162)

A revised copy of Maryland's FFY 2005-2012 State Performance Plan is also attached. The revisions, noted in red, include an updated overview, indicators, baselines, targets, measurements, improvement activities, timelines, and resources, as applicable.

As a follow-up to Maryland's FFY 2009 SPP/APR submission, the OSEP notified Maryland in a letter dated June 20, 2011 that Maryland determination was Meets Requirements. The OSEP's determination "is based on the totality of the State's data and information including the State's FFY 2009 APR and revised SPP, other State-reported data, and other publicly available information." Specific factors affecting the OSEP'S determination that Maryland meets requirements under IDEA section 616(d) included, "(1) Maryland provided valid and reliable FFY 2009 data reflecting the measurement for each indicator; (2) Maryland reported high levels of compliance or correction for Indicators 9, 10, 11, 12, 15, 16, 17, and 20; and (3) Maryland reported under Indicator 15 both a high level of compliance in timely correcting FFY 2008 findings of noncompliance consistent with the OSEP memorandum 09-02, dated October 17, 2008."

Please contact Marcella Franczkowski, Assistant State Superintendent, Division of Special Education/Early Intervention Services at 410-767-0238 or at [mfranczkowski@msde.state.md.us](mailto:mfranczkowski@msde.state.md.us) for information related to Maryland's SPP/APR.

## Maryland State Department of Education Acronyms Defined

ACE	Adult Correction Education
AMO	Annual Measurable Objective
ASAPBINCLTOY	As Soon As Possible But In No Case Later Than One Year
ASES	Assessing Special Education Students
BTE	Bridge to Excellence
CAP	Corrective Action Plan
CCSSO	Council for Chief State School Officers
COMAR	Code of Maryland Regulations
CTE	Career and Technology Education
DAADS	Division of Accountability, Assessment, and Data Systems
DAC	Data Accountability Center
DCCR	Division of Career and College Readiness
DDA	Developmental Disabilities Administration
DECD	Division of Early Childhood Development
DJS	Department of Juvenile Services
DLLR	Department of Labor, Licensing and Regulations
DOI	Division of Instruction
DORS	Division of Rehabilitation Services
DSE/EIS	Division of Special Education/Early Intervention Services
ECAS	Early Childhood Accountability System
EIPA	Educational Interpreters Professional Assessment
EMCIR	Enhanced Monitoring for Continuous Improvement and Results
HALB	Hearing Aid Loan Bank
HSA	High School Assessment
IQUIS	IEP Quality Indicator Scale
ITC	Interagency Transition Council
JHU/CTE	Johns Hopkins University/Center for Technology in Education
LEA	Local Education Agency
LSS	Local School System
MATN	Maryland Assistive Technology Network
MCIR	Monitoring for Continuous Improvement and Results
MD-DOD	Maryland Department of Disabilities
MHA	Mental Hygiene Administration

MHEC	Maryland Higher Education Commission
MITP	Maryland Infants and Toddlers Program
MMSR	Maryland Model for School Readiness
MOIEP	Maryland Online IEP
MSA	Maryland School Assessment
MSB	Maryland School for the Blind
MSCP	Maryland School Completion Project
MSD	Maryland School for the Deaf
MSDE	Maryland State Department of Education
MSDE/JSE	Maryland State Department of Education/Juvenile Services Education
MSRRC	Mid-South Regional Resource Center
NCCRES	National Center for Culturally Responsive Education Systems
NCES	National Center for Educational Statistics
NCSEAM	National Center for Special Education Accountability Monitoring
NCWD	National Collaborative on Workforce and Disability
NDPC-SD	National Dropout Prevention Center for Students with Disabilities
NPSO	National Post-School Outcome Center
NSC	National Student Clearinghouse
NSTTAC	National Secondary Transition Technical Assistance Center
OA	Office of Administrative Hearings
PA	Public Agency
PBIS	Positive Behavioral Interventions and Supports
PD	Professional Development
QAM	Quality Assurance and Monitoring Branch
SC	State Curriculum
SECAC	Special Education Citizens' Advisory Committee
SESAC	Special Education State Advisory Committee
SICC	State Interagency Coordinating Council
SSIS	Special Services Information System
WSS	Work Sampling System



**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority:** General Supervision, Graduation Rate**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma.**Measurement:** States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

FFY	Measurable and Rigorous Target
<b>FFY 2010 (using 2009-2010 data)</b>	85.5% of youth with IEPs will graduate from high school with a diploma.

**Actual Target Data for FFY 2010 (Using 2009 – 2010 data):** 72.33% Target Not Met.

In accordance with the FFY 2010 *Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table*, States are to “describe the results of the State’s examination of the data for the year before the reporting year, and compare results to the target.” Maryland uses the graduation rate calculation and timelines established by the U.S. Department of Education under the Elementary and Secondary Education Act (ESEA). In FFY 2009 (2009-2010 ) Maryland used the graduation leaver rate.

The graduation leaver rate is defined as the percentage of students who received a Maryland high school diploma during the reported school year. This is an estimated cohort rate. It is calculated by dividing the number of high school graduates by the sum of the dropouts for grades 9 through 12, respectively, in consecutive years, plus the number of high school graduates. In FFY 2009, 4,378 students with IEPs out of a possible 6,053 student’s with IEPs graduated with a regular diploma. This represents a Graduation Rate of 72.33% for youth with IEPs, as compared to a Graduation Rate of 87.93% for regular education students. The graduation rate of youth with IEPs is the same data Maryland reported to the U. S. Department of Education under Title I of the Elementary and Secondary Education Act (ESEA) as part of Maryland’s Consolidated State Performance Report (CSPR). This results in a performance gap of 15.6%, as reported in the Maryland Report Card, <http://mdreportcard.org>, on November 28, 2011. The Maryland State Board of Education established an Annual Measurable Objective (AMO) of 85.5% for graduation, for all students, including students with disabilities.

Beginning in FFY 2010 (2010-2011) Maryland began the reporting of Graduation Rate using the Cohort calculation method. In 2008, the U.S. Department of Education directed each state to use a cohort graduation rate for reporting purposes beginning in 2011 and for accountability purposes in 2012.

Cohort	Special Education Students	Regular Education Students	Graduation Performance Gap
4 year	54.75%	85.01%	26.75%
5 year	60.93%	87.19%	23.47%

The Maryland State Board of Education approved standards for the cohort graduation rate for Adequate Yearly Progress (AYP) calculations for 2011. The adopted standards are:

- **Four-year cohort graduation rate 81.5%**
- **Five-year cohort graduation rate: 84.4%**

The graduation rate standard for FFY 2010 (2010-2011) can be achieved by following the progress of the cohort of students entering grade nine for the first time in the fall 2006. The graduation rate standard can be met using the following three question process:

1. Has the school, school system, or State achieved the Annual Measurable Objective (AMO) for the four-year cohort graduation rate for the student cohort entering grade nine for the first time in fall 2006 and graduating no later than 2010? If the rate is achieved the standard is met. If the standard is not met a second analysis (#2 below) is conducted.
2. Has the school, school system, or State achieved the AMO for the five-year cohort graduation rate for the same cohort entering grade nine for the first time in the fall of 2006 graduating no later than 2011? If the rate is achieved the standard is met. If the standard is not met, a third analysis (#3 below) is conducted.
3. Has the school, school system, or State demonstrated substantial one-year improvement in its four-year cohort graduation rate, according to a mathematical calculation based on the distance of the four-year graduation rate from the AMO? If adequate improvement is made the standard is met

### Graduation Requirements

Maryland offers one diploma known as the Maryland High School Diploma. The requirements for a Maryland High School Diploma are applicable to all students, including youth with IEPs. The data provided for Indicator 1 of the SPP/APR are taken from the Maryland Report Card. The FFY 2009 Graduation Rate is based on the same National Center for Educational Statistics (NCES) calculation formula that Maryland Public Schools have used since the NCLB requirements were first implemented.

## APR Template – Part B (4)

MARYLAND  
State

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

Subject Area	Specific Credit Requirement
English	4 credits
Mathematics	3 credits 1 credit in algebra/data analysis 1 credit in geometry 1 credit a subsequent mathematics course for which Algebra I is a prerequisite
Science	3 credits 1 credit in biology 2 credits from the earth, life, environmental science, or physical sciences, in which laboratory experiences are an integral component.
Social Studies	3 credits 1 credit in U.S. history 1 credit in world history 1 credit in local, state, national government

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

### Other Requirements

Subject Area	Specific Credit Requirements
Fine Arts	1 credit
Physical Education	½ credit
Health	½ credit
Technology Education	1 credit
Earn one of the following:	2 credits of world language or 2 credits of American Sign Language; or 2 credits of advanced technology; or Successful completion of a State approved career and technology program

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

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

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

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

Based upon the Leaver Rate for Graduation, Maryland demonstrated an improvement in the graduation of students with IEPs. The FFY 2009 Graduation Rate of 72.33% is an increase of 2.33% over the FFY 2008 rate of 70.05%. Local school systems also demonstrated the following progress:

- Three local school systems (LSSs) met the State 90% performance standard for Graduation.
- There was positive movement in thirteen (13) LSSs.
- Seven LSSs experienced a decrease in the graduation rate. This is fewer than in the previous year.
- One LSS has experienced positive growth in the graduation rate every year since 2005.

Other Statewide factors that result in improving graduation rates:

- The promotion rates of 9<sup>th</sup> grade students to 10<sup>th</sup> grade have continued to improve since 2006.
- The attendance rate for students with IEPs has been above 94% since 2006.
- The amount of instructional time lost to suspensions has decreased.
- The number of students with IEPs completing Career and Technology Education (CTE) programs has increased from 12.92% in FFY 2008 to 20.4% in FFY 2009.

**Maryland School Completion Project (MSCP)**

The intensive collaborative project concluded at the end of the 2009-2010 school year. However, National Dropout Prevention Center for Students with Disabilities continues to provide technical assistance to public schools in Maryland.

Two LSS participated in this demonstration project. One LSS has been involved in the project for three years and there is strong evidence of improvement. Professional development activities began in a second local school system in January 2009.

In the LSS that was the first demonstration site for the MSCP; completion/dropout prevention interventions took place in two high schools beginning in FFY 2006 and resulted in an increase of 11.04% in the graduation rate of youth with IEPs in FFY 2007. In FFY 2008 there was an increase of 3.25% above the 11.04% increase in FFY 2007. The project has grown to include the establishment of a subcommittee concentrating on increasing the completion rate of youth with IEPs in Career and Technology Education (CTE) programs. In FFY 2008 discretionary grant monies were used by the LSS to hire mentors for the two schools participating in the project.

Staff from the National Dropout Prevention Center for Students with Disabilities and the LSS presented at the Division of Special Education/Early Intervention Services Leadership Conference in September 2008. Information was provided related to school completion initiatives instituted in the participating schools. As a result of the presentation three (3) LSSs have received technical assistance on school completion.

**Collaboration with the Division of Rehabilitation Services**

The DSE/EIS began collaborating with the Division of Rehabilitation Services (DORS) on the development of a referral protocol during FFY 2008. The protocol ensures that the appropriate students are referred to the DORS. The protocol was disseminated in FFY 2009 and is reviewed annually.

**Results:**

- The DORS Referral Protocol was completed in September, 2009.
- LSS staff received professional development on the use of the Protocol in December, 2009.
- Both school staff and the DORS transition counselors report through anecdotal feedback, an improved DORS referral process.

**Discretionary Grants**

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

Sixteen (16) discretionary grants were awarded for 2009-2010. In addition ten (10) grants were awarded through collaboration between the MSDE, DORS, and the DSE/EIS. The ten collaborative grants were awarded for a minimum of two (2) years. The collaborative grants are being used to develop seamless transition models. The discretionary grants were used to develop programs to increase school completion, decrease student dropout and prepare students for employment.

**Results / Findings for the Discretionary Grants:**

The chart below describes the grant activities and results

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

**Ongoing Improvement Activity Applicable to Indicators 1, 2, and 14****Collaboration with Career and Technology Education**

- By improving the collaboration among local Career and Technology Education, Special Education, and School Counseling, the MSDE anticipates an increase in the graduation rate for students with disabilities as a result of effective planning related to appropriate courses of study that will assist students in attaining their postsecondary goals.
- The MSDE, DSE/EIS and the Division of Career Technology and Adult Learning (DCTAL) established a workgroup in January 2007. DCTAL has since been renamed the Division of College and Career Readiness (DCCR). Students with disabilities in Career and Technology Education (CTE) are the focus of the workgroup. The workgroup is co-chaired by the DSE/EIS Transition Specialist and the DCCR Regional Coordinator. The membership is comprised of:
  1. LSS Directors of Special Education;
  2. LSS Directors of Career and Technology Education;
  3. Local Transition Coordinators;
  4. Local CTE Special Education Support Teachers;
  5. Representatives from the Maryland Higher Education Commission (MHEC);
  6. The Division of Rehabilitation Services (DORS); and
  7. Local School Counselors.

The following are the principle areas of concentration for the Workgroup:

1. Professional development on differentiated instruction for the CTE teachers
2. The CTE orientation for local transition coordinators, and special education teachers
3. Annual meeting to discuss and promote best practices in supporting students with disabilities in CTE.

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

**Bridge to Excellence Master Plan**

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

**Interagency Transition Council**

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

**Discretionary Grants**

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

## APR Template – Part B (4)

MARYLAND  
State

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines /  
Resources for FY 2011  
N/A

## Part B State Annual Performance Report (APR) for FFY 2010

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

Please refer to the Overview, pages 1-3.

**Monitoring Priority: General Supervision - Dropout****Indicator 2:** Percent of youth with IEPs dropping out of high school

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

FFY	Measurable and Rigorous Target
<b>FFY 2010 (using 2009-2010 data)</b>	The dropout rate of students with IEPs will be 3.54% or less.

**Actual Target Data for FFY 2010 (2009 – 2010 lag time data):** 4.46% Target Not Met

In accordance with the FFY 2010 *Part B State Performance Plan (SPP) and Annual Performance Report (APR) Part B Indicator Measurement Table*, States are to “describe the results of the State’s examination of the data for the year before the reporting year, and compare results to the target.”

The data provided for Indicator 2 are taken from the Maryland Report Card. This is the official reporting source for Maryland Public Schools. The Maryland Report card can be found at <http://mdreportcard.org>. In Maryland, a total 31,399 students with IEPs attended high school in FFY 2009 (2009-2010 school year). Of the 31,399 students with IEPs, 1,399 students of this total dropped out of grades 9 through 12. This is a dropout rate of 4.46%, as reported in the Maryland Report Card on December 12, 2011. The students in regular education experienced a dropout rate of less than 3.0%. The gap in dropout rate was 1.46%. The dropout rate of 4.46% is a 0.05% slippage over the FFY 2008 (2008 – 2009 school year) youth with IEPs dropout rate of 4.41%.

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



## APR Template – Part B (4)

MARYLAND

State

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY2010:

Maryland did not meet the annual measurable objective of 3.54% established by the Maryland State Board of Education. Youth with IEPs had a dropout rate of 4.46%. However, there were many local school districts where improvement occurred. The data results that are included in the chart below are from the Maryland Report Card which is the official reporting source for Maryland Public Schools. The Maryland Report card can be found at <http://mdreportcard.org>

Activity	FFY 2008	FFY 2009
Increase in dropout rate	7 LSS	3 LSS
Decrease in dropout rate	12 LSS	17 LSS
No Dropouts	2 LSS	1 LSS (this is the second year in a row for this school district)
Dropout Rate at or below the State AMO	12 LSS	13 LSS

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

- In FFY 2009, the percentage of seniors with IEPs who graduated with a Career and Technology Program Completer was 20.4%. This was an increase of 8% (12.4%) over FFY 2008.
- One school system has blended CTE and special education funding to develop an employment preparation program. The program includes preparation for the National Safety Certification test. The first students were enrolled in the 2009-2010 school year.
- Professional development in the area of differentiated instruction continues for Career and Technology Education teachers.

### **Maryland School Completion Project**

The intensive collaborative project concluded at the end of the 2009-2010 school year. However, National Dropout Prevention Center for Students with Disabilities continues to provide technical assistance to public schools in Maryland.

Two LSS participated in this demonstration project. One LSS has been involved in the project for three years and there is strong evidence of improvement. Professional development activities began in a second local school system in January 2009.

In the LSS that was the first demonstration site for the MSCP; completion/dropout prevention interventions took place in two high schools beginning in FFY 2006 and resulted in an increase of 11.04% in the graduation rate of youth with IEPs in FFY 2007. In FFY 2008 there was an increase of 3.25% above the 11.04% increase in FFY 2007. The project has grown to include the establishment of a subcommittee concentrating on increasing the completion rate of youth with IEPs in Career and Technology Education programs. In FFY 2008 discretionary grant monies were used by the LSS to hire mentors for the two schools participating in the project.

Staff from the National Dropout Prevention Center for Students with Disabilities and the LSS presented at the Maryland Division of Special Education/Early Intervention Services Leadership Conference in September 2008. They provided information on the school completion initiatives instituted in the

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participating schools. As a result of the presentation 3 LSSs have received technical assistance on school completion from the presenting local public school system.

### Program Results:

The demonstration school, decreased its dropout rate for students with disabilities by more than half. The rate dropped from a high of 13.66 % in FFY 2007 to 4.32% in FFY 2009.

The demonstration school has increased the graduation rate from 34.21% in FFY 2007 to 51.52% in FFY 2009.

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

Staff from the local school system along with the NDPC-SD have presented at two Maryland Special Education Leadership Conferences on the topic of successful research-based dropout interventions and the impact on graduation rate.

Five school teams from a second local public school system received intensive professional development that concluded with each school developing NDPC-SD school completion plans.

A cadre of school staff from the two local public school systems has been identified to provide technical assistance to other school systems on research based interventions.

### Discretionary Grants

The use of discretionary grants, awarded by the DSE/EIS, has allowed the LSS to develop and implement interventions, strategies, and programs that lead to improved results for students. Grant proposals have been based on successful practices and research based interventions. Many have incorporated the Guideposts for Success as developed by the National Collaborative on Workforce and Disability (NCWD). The following Guideposts were incorporated most often: Work Based Learning and Youth Development and Leadership. Sixteen (16) discretionary grants were awarded for 2009-2010. In addition ten (10) grants were awarded through collaboration between the MSDE DORS and the DSE/EIS. The ten collaborative grants were awarded for a minimum of two (2) years. The collaborative grants are being used to develop seamless transition models. The discretionary grants were used to develop programs to increase school completion, decrease student dropout and prepare students for employment.

### Results / Findings for the Discretionary Grants:

The chart below describes the grant activities and results

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

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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines /  
Resources for FFY 2011:

N/A

## Part B State Annual Performance Report (APR) for FFY 2010

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

Please refer to the Overview, pages 1-3.

**Monitoring Priority: FAPE in the LRE**

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

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

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

**Measurement:**

A. AYP percent =  $\left[ \frac{\text{(\# of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup)}}{\text{(total \# of districts that have a disability subgroup that meets the State's minimum "n" size)}} \right] \times 100$ .

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

C. Proficiency rate percent =  $\left[ \frac{\text{(\# of children with IEPs enrolled for a full academic year scoring at or above proficient)}}{\text{(total \# of children with IEPs enrolled for a full academic year, calculated separately for reading and math)}} \right]$ .

On Thursday, January 8, 2009, during the OSEP SPP TA Conference Call, participants were informed that "EDFacts States" were not required to attach a copy of Table 6 with the APR. Maryland is an EDFacts State. The EDFacts file includes the number of children with disabilities who were provided accommodations in order to participate in Statewide assessments. Although not required, a copy of FFY 2010 Table 6 is attached. It is our understanding that EDFacts files do not include:

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

FFY	Measurable and Rigorous Target																											
FFY 2010 (2010-2011)	<p>A. 50% of the State’s local school systems will meet AYP for the subgroup of students with disabilities.</p> <p>B. 95% of students with disabilities will participate in the Statewide assessment system.</p> <p>C. Student with disabilities will meet the content area AMO as follows:</p> <table><tr><th>Grade</th><th>Mathematics AMO</th><th>Reading AMO</th></tr><tr><td>3</td><td>80.87%</td><td>78.18%</td></tr><tr><td>4</td><td>80.76%</td><td>84.60%</td></tr><tr><td>5</td><td>76.51%</td><td>80.91%</td></tr><tr><td>6</td><td>72.48%</td><td>82.00%</td></tr><tr><td>7</td><td>71.32%</td><td>81.00%</td></tr><tr><td>8</td><td>70.55%</td><td>79.27%</td></tr><tr><td>10</td><td></td><td>72.67%</td></tr><tr><td>12</td><td>64.89%</td><td></td></tr></table>	Grade	Mathematics AMO	Reading AMO	3	80.87%	78.18%	4	80.76%	84.60%	5	76.51%	80.91%	6	72.48%	82.00%	7	71.32%	81.00%	8	70.55%	79.27%	10		72.67%	12	64.89%	
Grade	Mathematics AMO	Reading AMO																										
3	80.87%	78.18%																										
4	80.76%	84.60%																										
5	76.51%	80.91%																										
6	72.48%	82.00%																										
7	71.32%	81.00%																										
8	70.55%	79.27%																										
10		72.67%																										
12	64.89%																											

**Public Reporting**

The MSDE makes available and reports on the assessment of children with disabilities with the same frequency and detail as it reports on the assessment of children without disabilities, including:

1. The number of children with disabilities participating in regular assessments (MSA, HSA) [34 CFR §300.160(f)(1)];
2. The number of children with disabilities, if any, participating in alternate assessments based on grade-level academic achievement standards (Mod-MSA, Mod-HSA) [34 CFR §300.160(f)(2)];
3. The number of children with disabilities, if any, participating in alternate assessments based on alternate academic achievement standards (Alt-MSA) [34 CFR §300.160(f)(3)]; and
4. A comparison of the achievement of all children, including children with disabilities, the performance results of children with disabilities on regular assessments, alternate assessments based on grade-level academic achievement standards [34 CFR §300.160(f)(5).

The MSDE does not administer alternate assessments based on modified academic achievement standards [34 CFR §300.160(f)(4)]. The Maryland Report Card at <http://mdreportcard.org> reports performance data by State, county, and school. The Maryland School Improvement website at [www.mdk12.org](http://www.mdk12.org) also reports performance data by county and school. The MSDE implements necessary limits on the data reported on both websites in accordance with FERPA guidelines. The changes to the websites were designed to maximize the information provided to the public while also protecting the privacy of small identifiable groups of students.

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

**Actual AYP Target Data for FFY 2010:** 8% (2 of 25<sup>1</sup> local school systems) Target of 50% Not Met.

#### 3A. 8% or two (2) out of 25 local school systems met AYP objectives for progress for students with disabilities in both reading and math during FFY 2010 (school year 2010-2011).

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

In FFY 2008 Maryland opened a public residential school for at-risk students, including students with disabilities. The Maryland General Assembly passed legislation to establish the SEED School of Maryland as a statewide college-preparatory public boarding school for at-risk students. This school operates as a local school system and increases the local school systems in Maryland from 24 to 25.

Fiscal Year	Met AYP for Students With Disabilities in Mathematics	Met AYP for Students With Disabilities In Reading	Met AYP for Students With Disabilities in Both Mathematics and Reading
<b>FFY2010 2010 - 2011</b>	3 of 25 districts 12%	3 of 25 districts 12%	2 of 25 districts 8%
<b>FFY 2009 2009-2010</b>	9 of 25 districts 36%	8 of 25 districts 32%	6 of 25 districts 24%
<b>FFY2008 2008-2009<sup>1</sup></b>	5 of 25 districts 20%	7 of 25 districts 28%	5 of 25 districts 20%
<b>FFY2007 2007-2008</b>	11 of 24 districts 46%	11 of 24 districts 46%	9 of 24 districts 38%
<b>FFY2006 2006-2007</b>	12 of 24 districts 50%	9 of 24 districts 38%	9 of 24 districts 38%
<b>FFY2005 2005-2006</b>	14 of 24 districts 58%	5 of 24 districts 21%	5 of 24 districts 21%
<b>FFY2004 2004-2005</b>	9 of 24 districts 38%	10 of 24 districts 42%	7 of 24 districts 29%

### 3.B – Actual Participation Target Data for FFY 2010: Participation – 99.1% for Math; and 99.1% for Reading. Targets Met.

The FFY 2010 participation rate was > 95% for each assessed grade, in math and reading.

The FFY 2010 participation rate was > 95% for each assessed grade, in each content area. The participation rate for mathematics is 99.05%  $[(7105+7580+7825+7585+7647+7284+7151) = 52177 / 52679] * 100$  and exceeded the State target of 95%. The percentage of children with IEPs for mathematics is 12.24%  $[(7143+7616+7871+7650+7759+7408+7232) = 52679 / 430442] * 100$  (430442 represents the total number of all students in assessed grades).

The participation rate for reading is 99.12%  $[(7113+7585+7839+7593+7662+7298+6868) = 51958 / 52421] * 100$  and exceeded the State target of 95%. The percentage of children with IEPs in reading is 12.08%

<sup>1</sup> In FFY 2008 Maryland opened a public residential school for at-risk students, including students with disabilities. This school operates as a local school system.

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$[(7145+7621+7882+7653+7766+7408+6946) = 52421 / 433850 * 100]$  (431769 represents the total number of all students in assessed grades) Maryland has again exceeded the target set for Indicator 3B. It should be noted that a difference exists in the number of students identified as having an IEP for Mathematics and for Reading. This difference occurs at the high school level where the Mathematics and Reading assessments are actual end-of-course assessments for the subjects English 10 and Algebra Data Analysis, respectively. The data for high school are collected at the end of 12<sup>th</sup> grade for students. Within our approved program, the time between the 8<sup>th</sup> grade and high school assessments can be as many as three to five years, during which time the Special Education status of students can change.

Below are FFY 2010 data tables for mathematics and reading participation.

Statewide Assessment 2010– 2011		Mathematics Assessment Participation								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC	Total	
									#	%
a.	Children with IEPs	7143	7616	7871	7650	7759	7408	7232	52679	12.2%
b.	IEPs in Regular Assessment w/ No Accommodations	1322	1092	812	661	626	498	2258	7269	13.8%
c.	IEPs in Regular Assessment with Accommodations	4387	4703	4888	4783	4627	4211	1327	28926	54.9%
d.	IEPs in Alternate Assessment against Grade-level Standards	839	1251	1503	1560	1680	1870	2766	11469	21.8%
e.	IEPs in Alternate Assessment against Alternate Standards	557	534	622	581	714	705	800	4513	8.6%
f.	Overall (b+c+d+e) Participation and Percentage	7105 99.5%	7580 99.5%	7825 99.4%	7585 99.2%	7647 98.6%	7284 98.3%	7151 98.9%	52177	99.1%
Children included in ‘a’ but not included in the other counts above.										
Non-participants		38	36	46	65	112	124	81	502	0.95%

Statewide Assessment 2010–2011		Reading Assessment Participation								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EoC	Total	
									#	%
a.	Children with IEPs	7145	7621	7882	7653	7766	7408	6946	52421	12.08%
b.	IEPs in Regular Assessment with No Accommodations	1329	1109	857	696	670	563	1857	7081	13.51%
c.	IEPs in Regular Assessment with Accommodations	4287	4599	4828	4799	4757	4229	1546	29045	55.4%
d.	IEPs in Alternate Assessment against Grade-level Standards	940	1343	1532	1517	1521	1801	2665	11319	21.6%
e.	IEPs in Alternate Assessment against Alternate Standards	557	534	622	581	714	705	800	4513	8.6%
f.	Overall (b+c+d+e) Participation and Percentage	7113 99.6%	7585 99.5%	7839 99.5%	7593 99.2%	7662 98.7%	7298 98.9%	6868 99.1%	<b>51958</b>	<b>99.12%</b>
Children included in 'a' but not included in the other counts above.										
Non-participants		32	36	43	60	104	110	78	463	0.88%

**3.C – Actual Performance Target Data for FFY 2010**

Although Maryland did not meet the target for the special education subgroup in all grades for mathematics and reading, the following progress was seen: progress was made in all grades for mathematics except for grades 4, 5, and 8; progress was made in all grades for reading except for grades 5 and 6.

In mathematics, the proficiency rate observed for FFY 2010 is 53.40%  
 $[(4484+5100+4534+4140+3780+2582+3513) = 28133] / 52679] * 100.$

In reading, the proficiency rate observed for FFY 2010 is 61.77%  
 $[(4855+5450+5541+4545+4448+4084+3457) = 32380] / 52421] * 100$

Since the Maryland targets for performance for students with disabilities on statewide assessments are identical for all students and student subgroups, there are no anticipated changes in Annual Measurable Objectives, Adequate Yearly Progress guidelines, or standards for participation rates.

It should be noted that a difference exists in the number of students identified as having an IEP for Mathematics and for Reading. This difference occurs at the high school level where the Mathematics



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and Reading assessments are actual end-of-course assessments for the subjects English 10 and Algebra Data Analysis, respectively. The data for high school are collected at the end of 12th grade for students. Within our approved program, the time between the 8th grade and high school assessments can be as many as three to five years, during which time the Special Education status of students can change.

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

Statewide Assessment FFY 2010-2011		Mathematics Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Algebra EoC	Total #	
									#	%
a.	Children with IEPs	7143	7616	7871	7650	7759	7408	7232	52679	12.2%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	3709	4205	3322	3058	2432	1509	2051	20286	56.05%
	See Above	Maryland does not disaggregate performance levels of children using accommodations from those children not using accommodations								
d.	IEPs in Alternate Assessment against Grade-level Standards	285	427	654	563	696	461	756	3842	33.50%
e.	IEPs in Alternate Assessment against Alternate Standards	490	468	558	519	652	612	706	4005	79.75%
f.	Overall (b+c+d+e) Proficiency Percentage	4484 63%	5100 67%	4534 58%	4140 54%	3780 49%	2582 35%	3513 49%	28133	53.40%
Children included in "a" but not included in the other counts above.										
Non-participants		38	36	46	65	112	124	81	502	0.95%

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Statewide Assessment FFY 2010-2011		Reading Proficiency								
		Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	English EoC	Total #	
									#	%
a.	Children with IEPs	7145	7621	7882	7653	7766	7408	6946	52421	12.08%
b. and c.	IEPs in Regular Assessment With & Without Accommodations	3967	4325	4319	3342	3293	2702	1830	23778	65.85%
	See Above	Maryland does not disaggregate performance levels of children using accommodations from those children not using accommodations								
d.	IEPs in Alternate Assessment against Grade-level Standards	373	646	649	657	481	734	900	4440	39.07%
e.	IEPs in Alternate Assessment against Alternate Standards	515	479	573	546	674	648	727	4162	81.90%
f.	Overall (b+c+d+e) Proficiency Percentage	4855 67.95%	5450 71.51%	5541 70.30%	4545 59.39%	4448 57.28%	4084 55.13%	3457 49.77%	32380	61.77%
Children included in "a" but not included in the other counts above.										
Non-participants		32	36	43	60	104	110	78	463	0.88%

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Data for FFY 2009 and 2010, including the FFY 2010 targets, and the FFY 2004 baseline are displayed in the table immediately below.

## FFY 2009 and FFY 2010 Proficiency Percentages

	Mathematics				Reading			
Grade Level	Base line FFY 2004	FFY 2009	FFY 2010	Target FFY 2010	Base line FFY 2004	FFY 2009	FFY 2010	Target FFY 2010
3	51.2%	63.4%	62.7% ↑	80.87%	52.7%	66.7%	68.0% ↑	78.18%
4	48.8%	68.6%	67.0% ↑	80.76%	57.1%	68.1%	71.5% ↑	84.60%
5	38.8%	58.0%	57.6% ↑	76.51%	46.6%	71.1%	70.3% ↑	80.91%
6	25.7%	50.8%	54.1% ↑	72.48%	36.1%	61.4%	59.4% ↑	82.00%
7	22.6%	45.6%	48.7% ↑	71.32%	32.2%	52.8%	57.3% ↑	81.00%
8	21.7%	34.9%	34.9% ↑	70.55%	31.3%	53.9%	55.1% ↑	79.27%
Grade 10/ EOC	23.4% Algebra/ Data Analysis	45.7%	48.6% ↑	64.89%	22.3% English	46.7%	49.8% ↑	72.67%

Up arrows indicate growth over the baseline year's performance by grade level for students with disabilities. The table compares two (2) years of proficiency data. Proficiency includes those students with IEPs performing at the Proficient and Advanced levels, combined.

### Indicator 3A

Maryland did not meet its target for Indicator 3A in FFY 2010. The goal of Indicator 3A is to increase the number of local school systems making AYP to the target of 50%. Results showed that **8% or two (2) out of 25 local school systems met AYP objectives for progress for students with disabilities in both reading and math during school year 2010-2011 (FFY 2010).**

In addition, three (3) of 25 districts (12%) met AYP for mathematics (down from 36% in FFY 2009) and three (3) of 25 districts (12%) met AYP for reading (down from 32% in FFY 2009). Although slippage occurred for FFY 2010, the special education subgroup made progress in a number of local school systems across the State; however, the rate of improvement is not consistent with the increasing Annual Measurable Objectives. As we move closer to the target set by the No Child Left Behind Act of 100% proficiency by 2014, Maryland must increase the targets each year to move students closer to the 100%

target. Although students with disabilities are making progress, their progress is not advancing at the same rate as the increase targets each year.

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

Currently six (6) local schools systems and 25 schools participate in the Co-Teaching Network Cohort. The systems were identified based on the interest of each of the local school system's Assistant State Superintendent's for Instruction in collaboration with the local Director of Special Education. These individuals agreed to participate in a systems change initiative involving co-teaching as a high leverage strategy for addressing the needs of students with disabilities. The schools within the participating school systems were identified based upon their "improvement status" as a collaborative effort to support Maryland's Statewide System of Support-Breakthrough Center. The focus of this cohort group is to build system capacity. MSDE's partnership with Johns Hopkins University, Center for Technology in Education has enabled the DSE/EIS to build online resources that can be made available statewide and will have interactive components.

### **Indicator 3B**

The participation of the special education subgroup in statewide assessments continues to exceed the 95% target for all tested grade levels – grades 3 through 8 and grade 10/end-of-course assessments. All Maryland students with disabilities participated in either the Maryland School Assessment (MSA), the Alternate MSA (Alt-MSA), the modified Maryland School Assessment (Mod-MSA) or the modified High School Assessment (Mod-HSA) except for a small number of nonparticipants. Maryland does not administer out of grade level assessments. Maryland implemented the Modified High School Assessments (Mod-HSA) in 2008. The Mod-MSA in reading and mathematics for grades 6-8 was first administered in spring 2009. In the spring of 2010, the Mod-MSA in reading and mathematics for grades 3-5 was administered for the first time.

### **Indicator 3C**

Although Maryland did not meet the target for the special education subgroup in all grades for mathematics and reading, the following progress was seen: progress was made in all grades for mathematics except for grades 4, 5, and 8; and progress was made in all grades for reading except for grades 5 and 6.

The special education subgroup is making progress in local school systems across the State, as evidenced by the data above for Indicator 3C. However, the rate of improvement is not advancing at the same rate as the increasing Annual Measurable Objectives.

The FFY 2004 through FFY 2010 Proficiency Percentages table displays the overall percentages of children with IEPs that achieved proficient/advanced, by grade levels and content areas, from FFY 2004 through FFY 2010 (although intermediate years have been dropped due to table size). It is important to note, in every grade assessed, the special education subgroup has shown significant progress since the baseline year of FFY 2004.

The slippage seen in math in grades 3, 4 and 5 and in reading in grades 5 and 6 could be a result of a number of factors. First, while it is difficult to quantify and measure the negative effects the country's

economy has had, Maryland families have certainly been affected. Challenging economic conditions have an impact on families as a whole and have an impact on a child's ability to learn, as well.

Additionally, several Maryland counties have noted an increase in the transience of their students, particularly on the Eastern Shore and in Southern Maryland. This transience disrupts the continuity of a child's learning, which in turn effects academic achievement.

Also, several of the larger school systems in Maryland are some of its lowest performing school systems. Given the number of students within these districts, their performance significantly impacts Maryland's performance overall. Additionally, these large, low-performing schools experience high staff turn-over in leadership and in classroom teachers. One school system in particular saw slippage in reading in all grades, except grade 7 and high school. This same district saw slippage in math in all grades except high school. It is also important to note that the difference between this district's percent proficiency and the state's average is significant. There is a 9 percentage point difference in grade 3 and this difference increases steadily through elementary and middle school to a high of 21 percentage point difference between this district's high school math and science and that of the state as a whole. This is one of several larger systems that have had little or no improvement in student achievement or that has seen declines in student achievement from 2009 to 2010 (refer to "FFY 2009 and FFY 2010 Proficiency Percentages" above).

In an effort to improve the achievement of students with disabilities, the Division has implemented significant measures on a statewide level, which are noted below. The Division, also, participates on a cross-Divisional team within the Department, which is funded by Race to the Top dollars. This team works with the State's lowest performing schools in two districts. Efforts focus on using student data to make informed decisions about instruction at the central office level, at the school level, and in the classroom. While, this cross-Divisional Team has focused its efforts to this point on low achieving middle schools, it also is broadening their scope to include the elementary schools that feed into the middle schools.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

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

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

- In 2010, the Department convened an Accommodations Committee consisting of stakeholders from across the State to review and make recommendations for revising the Maryland Accommodations Manual in fall of 2011. The Division of Special Education/Early Interventions Services and The Division of Accountability, Assessment and Data Systems (DAADS) co-chair this committee. Representatives from the Division and DAADS are participants on the Council for Chief State School Officers (CCSSO), Assessing Special Education Students (ASES) Committee; Accommodations Workgroup in reviewing the National Accommodations Manual. Information obtained from the workgroup will be used to assist Maryland in revising the Maryland Accommodations Manual. Release date and training has been scheduled for spring 2012.
- In FFY 2010 Maryland conducted Regional Trainings for local school systems and nonpublic school representatives regarding Mod-MSA and students with disabilities enrolled in grades 3-5. The Mod-MSA Regional Training participants included Directors of Special Education, Individualized Education Program Team chairpersons, principals or principal designees, Local Accountability Coordinators and School Test Coordinators. All professional development was provided to Mod-Assessment Facilitators, who disseminated the training information to applicable school-based personnel related to the administration of the Mod-MSA. Professional Development materials were developed to provide training participants an understanding of the eligibility requirements for students with disabilities' participation in the Mod-MSA. Ongoing technical assistance regarding Mod-MSAs and

Mod-HSAs for students with disabilities will continue to be provided to local school systems and nonpublic school representatives.

- Online Alt-MSA Professional Development modules were developed and released in 2009 with updated sections added on including students with the most significant cognitive disabilities. The modules take the best practices of successful alternate assessment teachers and make them accessible to all teachers in the State. Through video, the training introduces real special educators and their students in narrative case studies. Through audio, video and narrative text, these modules demonstrate how to select Mastery Objectives for students, create lesson plans and develop assessment tasks for a wide range of grade and functional levels. The four modules include an overview of the Alt-MSA and alternative assessment strategies, and individual modules are devoted to the content areas of science, reading and mathematics. Also, the modules provide valuable tools, such as links to downloadable lesson plans, artifacts, templates and other resources that teachers can use to implement instructional and assessment strategies with their students.
- Alt-MSA artifact development took place in 2010-2011 for the 2011-2012 school year. A total of 84 artifacts were developed by the Alt-MSA vendor in collaboration with the MSDE Content Staff for the 2012 school year. Supporting documentation, including lessons, ideas for adaptations, and how to link to functional skills was included with the release of the artifacts.
- The Division set the stage for standards-based reform during the 2009 Special Education Leadership Conference. A national consultant was invited to be the guest speaker. She provided special education leadership from across the State with information designed to lay the groundwork for applying standards to the development of IEP goals. The presenter has since been hired as a consultant with the Division to develop professional development modules for the LSSs to access on the Maryland State website in order to provide a consistent uniformed training on writing standards-based IEPs across the State. Work with the Division has been completed on refining the modules as we begin the process of adopting the Common Core Standards. The modules are scheduled for release in fall 2012.
- In fall 2010, Maryland began a pilot of the Maryland IEP Quality Indicator Scale (IQUIS), a rubric designed to evaluate the quality of the IEPs that are written in Maryland. Through the results of the evaluation of Maryland's IEPs, targeted professional development can be focused on the needs of local school systems, local schools and individual teachers with the goal of improving the quality of those IEPs and to improve the achievement of students with disabilities. At the end of the pilot program, results from the five (5) participating local school system were evaluated and trends identified in order for those local school systems to target professional development to areas of need. Revisions to the IQUIS document, based on feedback from pilot participants and interested stakeholders, will be made in winter 2011-2012.
- During the 2010 legislative session, Education Article 8-408 was amended to require the MSDE to establish standards in Braille reading, writing, and computation for blind and visually impaired students in PreK through grade 12 to improve academic achievement. The MSDE established a Braille Standards Task Force to begin this work. The Task Force met six times during the 2010-2011 school year and will meet three times during the 2011-2012 school year to develop Braille standards for Mathematics. The Task Force will meet seven times during the 2011-2012 school year to develop Braille standards for English/Language Arts. Standards for both content areas will be presented to the State Board of Education September, 2012.

### **Ongoing Improvement Activities**

- Maryland continues to support its systematic co-teaching initiative. This co-teaching effort emphasizes capacity building at the local school system and school level for both general and special education administrators and teachers. In addition, co-teaching provides the opportunity for students with disabilities to not only have greater access to the general education curriculum, but to have instruction provided by highly qualified content area teachers in the least restrictive environment. Professional development regarding the use of formative assessments to identify learner needs,

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State

universal design principles, and differentiated instruction will be provided to both general and special educators to enhance instructional delivery for improved student achievement.

- Provide technical assistance and professional development to local school systems (LSSs) and nonpublic schools on instruction and assessment in reading, mathematics and science as found in the State curriculum. Continue monthly Alt-MSA and Modified Facilitator meetings (a representative from each local school system attends) to provide guidance and support in the assessment process.
- To improve the achievement of students with disabilities, ongoing technical assistance is provided to local school systems regarding the eligibility requirements for participation in the Alternate and Modified Assessments.
- Develop revised Content Guidance Documents to support the comprehensive understanding of Maryland Content Standards in reading, mathematics and science.
- The Division continues to monitor IEPs for students who were determined eligible for participation in the administration of the Mod-HSA, Mod-MSA and the Alt-MSA to verify that the appropriate procedures were followed in the determination process.
- The Division continues to monitor the administration of the Maryland Assessment Program by observing various test administration conditions and environments, test security violations, and the provision of accommodations. This monitoring is a collaborative effort across Divisions in the Department. Accommodations recommended for use for students with disabilities in the State of Maryland are evaluated annually through a collaborative process resulting in the revision and reissuance of the Accommodations Manual as required.
- The Division continues to work collaboratively with other Divisions in the Department to ensure students with visual impairments participate in State assessments. This process is accomplished through cross Divisional collaboration to ensure that State assessments are not biased, are provided in specialized formats of Braille and large print, and appropriate accommodations are implemented. Technical assistance and professional development activities are also provided to LSSs to improve student results.
- The Division continues to participate in the MSDE review of local school system Bridge to Excellence (BTE) Annual Master Plan Updates to verify that objectives and activities designed to improve the performance of students with disabilities that will lead to achieving AMO, AYP, and established targets are included.
- The Division continues to advise local school systems and Special Placement Schools of actions taken by the State Board of Education and Department relative to Statewide Assessments.
- The Division continues to provide professional development (face-to face and online modules) to local school systems and public agencies (PA) on instructional strategies, instructional delivery models, the State Curriculum (SC) and the national Common Core Standards.
- As a part of its Maryland State Improvement Grant III (Performance Measure 1), Maryland supports an alternative teacher preparation program, Maryland Approved Alternative Preparation Program (MAAPP) through its Coaching and Mentoring Solution Group. The Coaching and Mentoring Solution Network was supported through a series of Special Educator Mentoring Institutes (SEMI), the dissemination and training around the Stages of Professional Development document, through the Professional Development Online Tracker and through a series of online courses for special education teacher preparation programs. The MAAPP program supports non-traditional educators as they complete their education and training to become certified Special Educators.
- The Division continues to provide technical assistance to local school systems regarding the instruction and achievement of the special education subgroup. The Division awards discretionary

grants that promotes evidence-based practices and support local school systems to improve the achievement of students with disabilities.

- The Division continues to expand the web-based statewide IEP system currently to increase the development of quality IEP goals and objectives based on the student's present levels of academic achievement and functional performance, and that are aligned with the SC indicators. Currently, 17 of 25 local school systems use the online IEP. Various other public agencies use the Maryland Online IEP, as well.
- Modified Assessment and alternate assessment tools have been added to the web-based statewide IEP system to assist IEP Teams in appropriately identifying students for participation in modified or alternate assessments. The Alt-MSA tool has an accompanying power point presentation to assist teams in appropriately using the tool.
- The Division continues to enhance the [www.md.k12](http://www.md.k12) website with information and resources regarding children and youth with IFSPs and IEPs.
- The Division continues to participate in national and State research and policy organizations to ensure current information is available and accessible related to instructional strategies that improve performance for children with IEPs.
- The Division continues to participate in the national NCLB/IDEA Partnership to facilitate development of Title I and Special Education initiatives to accelerate student subgroup performance, including students with disabilities and students in the Free and Reduced Meals (FARMs) subgroup designation.
- The Division continues to annually review and revise the Alt-MSA Handbook and Condition Code Packet, and provide technical assistance to local school systems and nonpublic schools.
- The Division will continue to promote the ongoing use of State developed on-line High School Assessment (HSA) courses to support students with disabilities in passing the algebra/data analysis, English 10 and biology end-of-course exams.
- The Division continues to provide professional development for Educational Interpreters who serve in local school systems within the State. Two workshops are held annually to enhance instructional delivery and improve access to the general education curriculum for students who are deaf or hard of hearing. Training and preparation for educational interpreters to complete the national Educational Interpreters Professional Assessment (EIPA) is also provided.
- The Division continues to support the Maryland Hearing Aid Loan Bank Program (HALB), which provides hearing aids on a temporary basis to infants and toddlers, birth to 3 years of age, with confirmed hearing loss. The Program was established to create a bridge between early identification and early intervention for infants and toddlers with hearing loss and their families. The HALB program ensures that children under the age of three have access to maximum auditory input during the most critical period of language development. In June 2011 the Maryland State General Assembly passed 2011 Senate Bill 754, establishing a Permanent Hearing Aid Loan Bank Program. The HALB Program has assisted over 245 families across the state of Maryland since 2003.
- Through the Maryland Assistive Technology Network Online (MATN Online), the Division continues to provide professional development and technical assistance to members of the MATN and other stakeholders through MATN Fall and Spring Institutes, posting of AT professional development activities, and other resource postings in order to support the consideration, selection, and use of Assistive Technology by educational personnel for use by students with disabilities.



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- The Division will continue to provide further guidance to local school systems on Maryland's "Tiered Instructional Approach to Support Achievement for All Students - Maryland's Response to Intervention Framework"
- The Division continues to review/revise the <http://mdideareport.org> for reporting assessment and other local school system data to enhance readability.
- The Division annually reviews and revises the SPP public website <http://mdideareport.org> as required by the IDEA. Indicator 3 information includes statewide performance and student participation data by grade level and content area for each local school system.

The reader may wish to refer to Maryland's revised FFY 2005-2012 State Performance Plan when reviewing the information included in Maryland's FFY 2010 Annual Performance Report. The documents are available at: <http://www.marylandpublicschools.org> or <http://mdideareport.org>.

The State's link to FFY 2010 publicly-reported assessment results can be found at: <http://www.marylandpublicschools.org>, <http://mdreportcard.org>, or [www.mdk12.org](http://www.mdk12.org).

### Revisions, with Justification, to Improvement Activities/Targets/Timelines/Resources for FFY 2011:

Improvement Activities	Timelines	Resources	Justification
Begin Pilot of IQUIS-MD, a rubric designed to evaluate the quality of IEPs written in Maryland.  <b>COMPLETED</b>	Fall 2010 through March 2011	DSE/EIS and CTE staff	To evaluate and enhance the quality of IEPs written in Maryland in order to improve achievement for students with disabilities.
Revisions to the IQUIS-MD will be made based on feedback from pilot participants and stakeholders.  <b>NEW</b>	Winter 2011 to June 30, 2013	DSE/EIS and CTE staff	Results of the analysis of data related to IQUIS will provide the Division and local school system administrators with specific areas of need in IEP development, which can be addressed by targeted professional development.
Begin a professional development pilot with one of the IQUIS pilot counties. This PD pilot will focus on the procedural facilitators, or "Wizards" associated with 4 areas of the Maryland Online IEP. <b>NEW</b>	Winter 2011 to June 30, 2013	DSE/EIS and CTE staff	Results of the analysis of data related to IQUIS will provide the Division and local school system administrators with specific areas of need in IEP development, which can be addressed by targeted professional development.
Convene an Accommodations Committee consisting of stakeholders from across the State. <b>REVISED</b>	January 2010 to June 30, 2013	DSE/EIS, DAADS	To review and make recommendations for revising the Maryland Accommodations Manual and provide guidance in developing technical assistance documents. Revised timeline to reflect the remaining years of the SPP.

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Improvement Activities	Timelines	Resources	Justification
Provide special education leadership and school teams' information related to understanding the development and implementation of standards-based IEPs.  <b>REVISED</b>	September 2009 to Fall 2012	DSE/EIS, DAADS, Consultant.	To develop professional development modules to provide a consistent uniformed training on writing standards-based IEPs across the State. The modules will be aligned to the SC and bridged to the Common Core Standards and will be accessible on the MSDE website. Revised timeline to reflect the remaining years of the SPP.
Develop a list of Reading and Mathematics Interventions.  <b>REVISED</b>	September 2009 to June 30, 2013	DSE/EIS, DAADS, Modified Assessment Facilitators	To provide a list of evidence based Reading and Mathematics Interventions to local school systems and public agencies to supplement interventions currently used in local school systems.  Revised timeline to reflect the remaining years of the SPP.
Alt-MSA artifact development with supporting documentation to include lessons, ideas for adaptations, and how to link to functional skills.  <b>REVISED</b>	August 2010 to June 30, 2013	DSE/EIS staff, DAADS staff, DOI staff	To provide guidance on aligned Alt-MSA artifacts to the state curriculum.
Develop Braille Standards for Mathematics and English/Language Arts.  <b>REVISED</b>	Fall 2010 through September 2012	DSE/EIS, DOI Staff, Stakeholders, Mid-South Regional Resource Center	To improve expectations and outcomes for student who read Braille, establish standards for the Braille skills needed by students in PreK through Grade 12 to access the Maryland State Curriculum.

## Part B State Annual Performance Report (APR) for FFY 2010

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

Please refer to the Overview, pages 1-3.

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

Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs

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

**Measurement:**

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

Include State's definition of "significant discrepancy."

FFY	Measurable and Rigorous Target
<b>FFY 2010</b> <b>(using 2009-2010 data)</b>	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.

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

Maryland identifies local school systems with significant discrepancy by comparing the rates of expulsions and suspensions greater than ten days in a school year for children with IEPs in each local school system with the rates for nondisabled students in the same local school system.

In previous Annual Performance Reports (APRs) significant discrepancy was calculated by comparing the percentage of students with disabilities suspended to the percentage of students without disabilities suspended. If the percentage of suspension among students with disabilities was twice that of the percentage of suspension among students without disabilities the local school system was identified as significantly discrepant. In accordance with a directive from the Office of Special Education Services (OSEP), the MSDE utilizes a *Comparative Discrepancy Ratio* to calculate significant discrepancy. The *Comparative Discrepancy Ratio* is modeled after a *Risk Ratio* which is the ratio between two rates of outcomes. If the *Comparative Discrepancy Ratio* is greater than 2.0, the local school system is considered to be significantly discrepant.

In addition to meeting the *Comparative Discrepancy Ratio* of 2.0 or above the local school systems must meet the criteria for the minimum "n" size. Consistent with OSEP's revised guidance, MSDE utilizes a minimum "n" size of 30 for all local school systems.

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Significant discrepancy calculations were made for districts that had at least 30 children with disabilities suspended for greater than ten days. Eighteen local school systems were excluded from the calculation as a result of not meeting the minimum “n” size.

### Definition of Significant Discrepancy and Identification of Comparison Methodology

Significant discrepancy is defined as having a Comparative Discrepancy Ratio of 2.0 or greater when comparing the rate of suspension of students with disabilities for greater than ten days to the rate of suspension of nondisabled students for greater than ten days.

### Actual Target Data for FFY 2010 (using 2009-2010 data)

*For this indicator, report data for the year before the reporting year (use 2009-2010 data).*

Number and Percent of Local School Systems with Significant Discrepancies						
	FFY 2010 (2009-2010)		FFY 2009 (2008-2009)		FFY 2008 (2007-2008)	
	#	%	#	%	#	%
Single Suspension of Greater than 10 Days	2	8.3%	1	4.1%	2	8.3%
Multiple Suspension Summing to Greater than 10 Days (2 LSSs excluded due to “n” size)	4	16%	3	12.5%	3	12.5%

The local school systems in the tables above include all local school systems identified as significantly discrepant for suspension of students with disabilities compared to nondisabled students. Four local school systems were identified as significantly discrepant in multiple suspensions summing to greater than 10 days. Two local school systems were discrepant in single suspension events of greater than ten days. The two local school systems identified as being discrepant in single events of suspension were also discrepant in multiple suspensions summing to greater than ten days. Three of the four school systems identified in the FFY 2010 submission of the APR were also identified as being significantly discrepant in the FFY 2009 submission.

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

Year	Total Number of LEAs*	Number of LEAs that have Significant Discrepancies	Percent
FFY 2010 (using 2009-2010 data)	24	4	16.7%

**Review of Policies, Procedures, and Practices** (completed in FFY 2010 using 2009-2010 data): If any LEAs are identified with significant discrepancies:

For each of the four (4) local school systems the State identified as having a significant discrepancy in the rate of suspension and expulsions of greater than 10 days in a school year for students with disabilities, the State reviewed the local school systems’ policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure that the policies, procedures, and practices comply with the IDEA. In addition, staff members from the Division’s Office of Monitoring for Continuous Improvement and Results

reviewed the records of randomly selected students with disabilities suspended for greater than 10 days in the four (4) identified local school systems to determine if procedural violations have occurred.

The State identified continued noncompliance with the requirements of the IDEA in two (2) of the four (4) local school systems that had been identified with a significant discrepancy. One of these local school systems had been identified as noncompliant in the previous reporting period based on 2008-2009 data and the other system had been identified prior to 2007. The State notified both local school systems of continued noncompliance and required the local school system to revise the noncompliant policies, procedures, and practices as soon as possible, but in no case later than one year from date of identification. Both of these local school systems have revised their policies and procedures but continue to demonstrate noncompliance based on reviews of individual student records. A total of 102 original student specific findings of noncompliance were identified between the two local school systems during FFY 2009. Each of these identified findings of noncompliance were corrected within one year.

Beyond the review required by 34 CFR §300.170(b) and as part of the State's system of general supervision, the State conducts ongoing reviews of policies and procedures throughout the state to ensure compliance with disciplinary procedures.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:**

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

In the **FFY 2008 APR submission (using 2007-2008 data)** there were three local school systems identified as significantly discrepant, which exceeded the target. In the **FFY 2009 APR submission (using 2008-2009 data)** four local school systems were identified as significantly discrepant which did not meet the State's target of no more than three local school systems being significantly discrepant for suspension of students with disabilities compared to nondisabled students. The **FFY 2010 APR submission (using 2009-2010 data)**, identified four local school systems as being significantly discrepant. Maryland did not meet the state target of no more than two local school systems being significantly discrepant for suspension of students with disabilities compared to nondisabled students.

A review of suspension data between FFY 2008, 2009, and 2010 show that the number of local school systems identified as significantly discrepant due to multiple suspensions summing to greater than 10 days of students with disabilities compared to nondisabled students increased from three local school systems to four. The number of local school systems with single suspensions of greater than 10 days for students with disabilities compared to nondisabled students increased from one school system to two. In total, the number of local schools systems with significant discrepancies in the rate of suspensions for greater than ten days comparing students with disabilities to nondisabled students has remained stable since last year with a total of four local school systems with a significant discrepancy. However, statewide, there has been an overall decrease from nine local school systems (37.5%) identified as significantly discrepant in the rate of suspensions in the **FFY 2005 APR submission** to four local school systems in FFY 2010.

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

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

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- Funding and monitoring the impact of Part B IDEA discretionary grants targeted to reducing the suspension of students with disabilities.
- Providing materials developed by the National Center for Culturally Responsive Education Systems (NCCRES) and the National Institute for Urban School Improvement to 24 local school systems to assist them in their review and revision of policies, procedures, and practices.
- Providing a comprehensive document entitled “*Maryland Special Education Disproportionality Report 2006-2007*” to all local school systems that included disaggregated suspension/expulsion data for its local school system.
- Providing technical assistance to local school systems regarding disaggregation of data, data-analysis at the classroom, school, and system level, monitoring suspension data, and decision-making and improvement planning.

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

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

### Correction of FFY 2009 Findings of Noncompliance

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010) using 2008-2009 data	1
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

### Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	1
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline (“subsequent correction”)	0
6. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	1

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### Actions Taken if Noncompliance Not Corrected:

One local school system was identified in the FFY 2009 APR submission (using 2008-2009 data) with noncompliance of related requirements in the area of discipline and the suspension of students with disabilities. During this time period, technical assistance was provided to review progress, provide information, and conduct a mid-Corrective Action Plan (CAP) review. Specifically, assistance focused on the development of the corrective action by clarifying requirements, reviewing individualized education program team processes, data accuracy, and the provision of a free appropriate public education after day ten. Although improvements have been made, the local school system continues to be noncompliant. The MSDE will continue to provide technical assistance and increase its supervisory oversight. The MSDE will:

- Assign an MSDE staff person to work directly with local school system staff for the correction of noncompliance;
- Provide available sources of technical assistance related to the areas of noncompliance;
- Require monthly collection of suspension data and quarterly results of internal audits of student records;
- Require quarterly scheduled meetings with the MSDE;
- Require submission of regular reports on progress (minimum three times within the period of the CAP); and
- Conduct another on-site review of student records for students with disciplinary removals greater than ten school days prior to the end of the CAP.

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

N/A

### Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):

*For FFY 2008 findings for which the State has not yet verified correction, explain what the State has done to identify the root cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance, including, as appropriate, enforcement actions taken against an LEA that continues to show noncompliance.*

1. Number of remaining FFY 2008 findings (identified in July 1, 2008 – June 30, 2009 using 2007-2008 data), noted in OSEP's June 1, 2011 FFY 2009 APR response table for this indicator	0
2. Number of remaining FFY 2008 findings the State has verified as corrected	0
3. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	0

### Correction of Any Remaining Findings of Noncompliance from FFY 2007 or Earlier (if applicable):

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

Under the Settlement Agreement, all corrective action pertaining to discipline and the suspension of students with disabilities is subject to federal and State requirements as well as specific areas negotiated and agreed to by all parties. Although it is acknowledged that the local school system has made



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improvement toward the correction of noncompliance, the MSDE has continued to make findings of noncompliance in this local school system regarding the suspension of students with disabilities. The State has taken the following actions to identify the root cause(s) of continuing noncompliance and enforcement actions taken:

- The local school system's FFY 2009 (SFY 2010) Local Application for Federal Funds is subject to Special Conditions
  - MSDE staff have increased on-site and off-site monitoring activities;
  - The local school system is required to submit progress reports on a quarterly basis that provides data and a summary of the corrective action plan activities;
  - The local school system must continue to work cooperatively with the MSDE, the Settlement Agreement liaison and the MSDE Enhanced Monitoring for Continuous Improvement and Results staff and actively seek available sources of technical assistance and management assistance for improvement and the correction of noncompliance identified through monitoring, Letters of Findings and other applicable requirements; and
  - The local school system must continue to develop, implement, review and revise the MSDE directed corrective action plan to ensure correction of noncompliance as soon as possible but in no case later than one year; and
  - The local school system is required to correct all student specific, school-based and systemic noncompliance identified through MSDE's general supervisory responsibilities.
- If noncompliance persists in the area of discipline and the suspension of students with disabilities in this local school system is not corrected by the annual date of the corrective action plan, the MSDE will impose additional sanctions consistent with guidance from the United States Department of Education, Office of Special Education Programs and in accordance with COMAR 13A.05.02.07, as circumstances dictate.

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

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

Statement from the Response Table	State's Response
The State must report on the correction of noncompliance that the State identified in FFY 2009 based on FFY 2008 data as a result of the review it conducted pursuant to 34 CFR §300.170(b).	One local school system identified as noncompliant in the FFY 2009 APR submission (based on 2008-2009 data) continues to be noncompliant. This is addressed in greater detail earlier in this report.
The State must report that it has verified that each LSS with noncompliance is correctly implementing the specific regulatory requirements.	The State continues to monitor two local school systems with noncompliance in implementing the specific regulatory compliance. Student specific findings have been identified in each school system and verified as having been corrected within a year.



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Statement from the Response Table	State's Response
The State must report that it has verified that each local school system with noncompliance has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the local school system, consistent with OSEP Memorandum 09-02.	MSDE conducted a review of the record of each student in which noncompliance was identified to ensure noncompliance had been corrected. There were a total of 102 findings of student specific noncompliance within two local school systems. All 102 findings were corrected within one year.
The State must describe the specific actions that were taken to verify the correction.	Specific actions taken to verify correction are addressed within this report.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011:**

N/A

## Part B State Annual Performance Report (APR) for FFY 2010

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

Please refer to the Overview, pages 1-3.

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

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

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

**Measurement:**

Percent =  $\left[ \frac{\text{(\# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards)}}{\text{(\# of districts in the State)}} \right] \times 100$ .

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

The Maryland State Department of Education (MSDE) utilized a *Rate Ratio* to compare the district-level suspension/expulsion rates for children with disabilities from each racial/ethnic group to the suspension/expulsion rate for all children without disabilities in that same district. The *Rate Ratio* is an acceptable method for determining significant discrepancy and is explained in detail on pages 70-71 of the Data Accountability Center document entitled *Measuring Significant Discrepancy: An Indicator B4 Technical Assistance Guide*, dated March 16, 2012. If the *Rate Ratio* is greater than 2.0, the local school system is considered to be significantly discrepant.

In addition to meeting the *Rate Ratio* of 2.0 or above, the local school systems must meet the criteria for the minimum "n" size. Consistent with OSEP's revised guidance, MSDE utilizes a minimum "n" size of 30 for all local school systems. Significant discrepancy calculations were made for local school systems that had at least 30 children with disabilities in a particular race/ethnic group suspended for greater than ten days. There were 19 local school systems excluded from the calculation of rates as a result of not meeting the minimum "n" size.

## Actual Target Data for FFY 2010 (using 2009-2010 data)

FFY	Measurable and Rigorous Target
<b>FFY 2010 (using 2009-2010 data)</b>	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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

Year	Total Number of LEAs**	Number of LEAs that have Significant Discrepancies by Race or Ethnicity	Percent**
<b>FFY 2010 (using 2009-2010 data)</b>	<b>24</b>	<b>4</b>	<b>16%</b>

MSDE reviewed the data for each local school system regarding suspensions of students with disabilities for greater than ten days compared to students without disabilities. The Rate Ratio calculation was used to determine if there was a significant discrepancy by race or ethnicity in the rates of suspensions and expulsions of students with disabilities. Through this data review a significant discrepancy was identified for African American students with disabilities in four local school systems.

**4B(b). LEAs with Significant Discrepancy, by Race or Ethnicity, in Rates of Suspensions and Expulsions; and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.**

Year	Total Number of LEAs*	Number of LEAs that have Significant Discrepancies, by Race or Ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Percent**
<b>FFY 2010 (using 2009-2010 data)</b>	<b>24</b>	<b>1</b>	<b>4.1%</b>

**Review of Policies, Procedures, and Practices** (completed in FFY 2010 using 2009-2010 data): If any LEAs are identified with significant discrepancies:

Local school systems that meet the criteria for significant discrepancy, by race or ethnicity in rates of suspensions and expulsions are required to complete and submit to MSDE a self-review. The self-review includes a review of policies, procedures and practices related to suspensions and expulsions, development and implementation of IEPs, the use of positive behavioral interventions and supports and the application of procedural safeguards to ensure that policies, procedures, and practices comply with requirements. MSDE reviews the submitted information, and, if needed, requests additional information or conducts a follow up visit to the local school system.

Results of MSDE's review of this information which was submitted by four local school systems, indicates that one local school system, which was previously identified as noncompliant in the FFY 2009 SPP submission (based on 2008-2009 data) continues to have policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements particularly regarding the use of positive behavioral interventions and supports. This local school system had been a school system under the May 4, 2000 Consent Order for the disciplinary removal of students with disabilities greater than ten school days with MSDE oversight since 2004. On April 19, 2010, the U.S. District Court of Maryland approved the Settlement Agreement entered into by the MSDE, the local school system and Maryland Disability Law Center. The Settlement Agreement became effective July 1, 2010 and is in effect until September 15, 2012.

Under the Settlement Agreement, all corrective action pertaining to discipline and the suspension of students with disabilities is subject to federal and State requirements as well as specific areas negotiated and agreed to by all parties.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:**

The following are improvement activities that are being utilized:

- The State reviews local school system policies procedures and practices related to the development and implementation of IEPs and the use of positive behavioral interventions and supports, and procedural safeguards. These monitoring activities are conducted in each local school system as part of a six year comprehensive monitoring activity. This review is conducted annually for each local school system that reports a significant discrepancy by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs.
- Local school systems conduct self-reviews of individual student records for students with disabilities in a specific racial or ethnic group in which a significant discrepancy has been identified to ensure appropriate development and implementation of the IEP.
- The State provides technical assistance to local school systems with the revision of local school system policies, procedures and practices when necessary.
- The State assists local school systems in identifying and implementing best practices relative to reducing/eliminating disproportionate suspension of students with disabilities regardless of race/ethnicity.

One local school system continues to have a significant discrepancy a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs and have policies/procedures that relate to this discrepancy. This local school system has a variety of behavioral strategies in place, but reports that strategies are not consistently implemented with fidelity.

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**Correction of FFY 2009 Findings of Noncompliance** *Do not report on the correction of noncompliance unless the State identified noncompliance as a result of the review required by 34 CFR §300.170(b).*

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010) using 2008-2009 data	1
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	1

**Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):**

1. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	1
2. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
3. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	1

### Actions Taken if Noncompliance Not Corrected:

MSDE staff conducts quarterly meetings with this local school system which is currently under the settlement agreement. Suspension data that is reviewed by the local school system on a weekly basis is discussed at this meeting. Specific schools identified as having high numbers of suspensions are flagged and one or more of the following strategies are put in place:

- Student Support Liaisons work with school leaders to ensure that schools are developing and enacting comprehensive plans to address discipline. Strategies including optimizing staff deployment to address behavior during student transition periods, community conferencing, peer mediation, and character development are utilized in these plans.
- Increased focus on students with multiple suspensions to ensure that adequate supports are in place for students using the FBA/BIP team process.
- Central Office is expanding the capacity of schools to provide resources (both internally and with the support of school system partnerships) that would aid in providing alternatives to suspensions. These would include community conferencing, peer mediation, restorative justice, etc.

This school system was required to develop and implement a suspension task force to address system wide issues. In addition, the local school system has contracted with the Maryland Coalition for Inclusive Education (MCIE) to receive technical assistance and professional development to improve behavioral interventions, including functional behavioral assessments, behavior intervention plans and positive behavioral supports.

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

*For those findings for which the State has reported correction, describe the process the State used to verify that the LEA is correctly implementing the specific regulatory requirement(s).*

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

Statement from the Response Table	State's Response
The State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	One local school system identified as noncompliant in the FFY 2009 APR submission (based on 2008-2009 data) continues to be noncompliant. This is addressed in greater detail earlier in this report.
The State has corrected each individual case of noncompliance.	MSDE conducted a review of the record of each student in which noncompliance was identified to ensure noncompliance had been corrected. There were a total of 19 findings of student specific noncompliance within the local school system. All 19 findings have been corrected.
The State is correctly implementing the specific regulatory requirements.	MSDE is reviewing policies procedures and practices of local school systems that have a significant discrepancy in the rates of suspension to ensure compliance. In addition and as described above, MSDE is monitoring the implementation of the requirements in the local school system that remains noncompliant.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011(if applicable): N/A

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

## Overview of the Annual Performance Report Development:

Please refer to the Overview, pages 1-3.

Monitoring Priority: FAPE in the LRE

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

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

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

## Measurement:

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

FFY	Measurable and Rigorous Target	
FFY 2010 (2010-2011)	5A	62.11% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day;
	5B	15.61% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day; and
	5C	6.42% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements.

**Actual Target Data for FFY 2010:** 5A: 66.14% Exceeds Target; 5B: 14.04% Exceeds Target; and, 5C: 7.12% Target Not Met.

Total Number of Students with Disabilities, Aged 6 - 21	Indicator	October 2010			State Target Status
		State Population 90,615			
		Number	State Target	FFY 2010 Actual	
Inside Regular Education 80% or More of the Day	5A	59,934	62.11%	66.14%	Met
Inside Regular Education < 40% of the Day	5B	12,770	15.61%	14.04%	Met
Separate Facilities	5C	6,440	6.42%	7.12%	Not Met

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The least restrictive environment (LRE) data for this APR are based on Maryland's 618 annual child count collected the last Friday in October 2010 and reported in the *2010 Maryland Special Education/ Early Intervention Services Census Data and Related Tables* document. The document is posted on the MSDE website under the Division of Accountability, Assessment, and Data Systems Staff and Student Publications. The data in this report are published and are considered to be reliable and valid for the purpose of reviewing LRE in Maryland. The data have been reviewed with the Special Education State Advisory Committee (SESAC) for input.

The MSDE reports to the public on LRE indicator progress and/or slippage in meeting State targets for each local school system on the first page of the MSDE public report on the SPP website:

<http://mdideareport.org>. The data are displayed beginning with FFY 2004.

The FFY 2009 response table to the MSDE stated that, "OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR." No specific suggestions for future reporting were made. In a review of the data, although one sub-indicator (5C) was not met, it does show improvement over time, as demonstrated in the trend data chart below.

### Trend Data

**5A:** Three local school systems did not meet the State's target and are the same three as reported in the FFY 2009 APR. All have demonstrated improvement; and two represent school systems of more than 10,000 students with disabilities.

Indicator 5A by Percent									
FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012
State Target		57.75	60.11	60.61	61.11	61.61	62.11	62.61	63.11
State Results	57.25	59.90	61.64	62.35	63.99	64.80	66.14		

**5B:** All three local school systems that did not meet the State's target are the same as those in FFY 2009. Two represent school systems of more than 10,000 students with disabilities and are the same two that did not meet the 5A target. One of these two has been slowly, but steadily, closing the gap even as the target decreases.

Indicator 5B by Percent									
FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012
State Target		17.47	16.61	16.36	16.11	15.86	15.61	15.36	15.11
State Results	17.72	16.86	16.21	15.82	15.10	14.55	14.04		

**5C:** In FFY 2010, three of the five largest school systems did not meet the 5C target. These are the same three that did not meet target in FFY 2009. All three are making progress toward meeting the State's target.

Indicator 5C by Percent									
FFY	2004	2005	2006	2007	2008	2009	2010	2011	2012
State Target		7.67	7.42	7.17	6.92	6.67	6.42	6.32	6.22
State Results	7.92	7.89	7.90	7.80	7.59	7.37	7.12		

### Correction of Noncompliance

Under monitoring activities on the B-15 worksheet, there were 121 findings of noncompliance that the State labeled FAPE in the LRE for Indicator 15. Of these, 117 were corrected within timelines, the remaining four were identified in one State operated program and were verified as corrected just after the



timeline expired. All of these were findings based on LRE related requirements involving six local school systems and four state operated programs.

There were also 133 findings of noncompliance in 17 school systems and one state-operated program that related to FAPE in the LRE through the MSDE Complaint Investigations with Letters of Findings issued between July 1, 2009 and June 30, 2010. All were verified as corrected within one year.

Verification procedures are conducted within one year from the date of the written finding and include the review of policies and procedures, student records, other related documentation, and updated data, as appropriate to the finding. The MSDE verified correction in these public agencies in accordance with the MSDE's 2-prong verification procedures described in Indicator 15.

There is one outstanding finding of noncompliance that remains open from a finding identified in FFY 2005 and reported in the FFY 2006 APR. This is in one of the five largest school systems in the State, having a high impact on the State's data. And, although progress continues to be made both in data and in related requirements, the corrective action remains open.

The MSDE has four staff members assigned to the school system on a regular basis. Three work at the Department and one works within the school system. Their duties include working with the school staff, reviewing updated data, and monitoring. This team also ensures student specific corrections are made as the system works to ensure policies and procedures are implemented system-wide. An MSDE team, chaired by the Assistant State Superintendent for Special Education, meets regularly with State staff and others to review the school system's progress or slippage and recommend additional strategies, if needed.

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

The MSDE has made progress in all Indicator 5 subsets. Each subset of the indicator has made growth over time and maintains a positive trend. Even the Indicator 5C, that has not met the State's target, has shown growth since the original submission of the State Performance Plan. The development and implementation of the Maryland Online IEP (MOIEP) has improved LRE decision making processes used by IEP teams and compliance with LRE regulatory requirements. The online supporting 'wizard', now in its second year of full implementation, continues to assist the MOIEP user in understanding the steps needed to make such a determination. Publically posting LSS/PA data, reviewing the State's funding mechanism, improving access to materials about co-teaching and including students with disabilities in regular environments were all improvement activities and have all contributed to the State's improvement. These improvement activities have now become part of the daily work of the Division of Special Education/Early Intervention Services and have been marked as completed in the FFY 2009 APR. The improvement activities, new in FFY 2009, that are reported below are those activities the State has identified as critical to increasing the number of students in less restrictive environment.

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

#### **Public/Private Partnerships**

The MSDE supports the philosophy that students with disabilities belong with their nondisabled peers to the maximum extent appropriate, but recognizes student needs do exist that necessitate other placements to meet the unique needs of particular students. While supporting students where they are important, the MSDE also supports efforts to bring students together with nondisabled students, whenever possible. In FFY 2009, six LSSs were awarded non-competitive State-Aid grants by the MSDE, Special Education Nonpublic Office to establish Public Private Partnerships (P/PPs) with special education day placement facilities. In FFY 2010, grants were extended to five local school systems.

These grants have multiple purpose(s): to serve students currently in separate nonpublic special

education facilities in the public schools; divert students from full time nonpublic facility placements into less restrictive placements; provide opportunities for students currently in more restrictive placements (residential) to receive services in the less restrictive day placements; and, to provide short-term, crises intervention. Service options for students include classes staffed by nonpublic teachers in public schools, and nonpublic counseling, behavior intervention and management personnel to provide services in public schools to support students who otherwise would have been placed in more restrictive day placements. In FFY 2009, 731 students were able to be served under P/PPs with funds that under traditional models would have funded 398 students. This past year, 838 students were served with funds that would have served 427 students in past years. Through this effort, IEPs teams in these LSS have more fluid service delivery options to provide students with disabilities needed services in less restrictive environments. In addition to these five grants, the Special Education Nonpublic Office provided funds for classrooms to be staffed and supported by nonpublic school facility staff in public middle schools, allowing for integration of students into special and/or general education classes with support. Funds continue to be used for a project to link education and health care services. As a result of these efforts, the MSDE expects: some students placed in residential programs to receive services in less restrictive day placements; some students in day placements to be served in self-contained special education classrooms with support to be included in general education classes; some students in special education classes to be served in general education classes with supports; and, some students already in special education to be diverted from more restrictive placements; and, finally, some students who need short-term support services never to require special education at all. At the majority of these levels, with few exceptions, there are opportunities for students with disabilities to be educated with their nondisabled peers.

#### Co-Teaching

A major initiative to improve LRE is the State's efforts to establish a Maryland Co-Teaching Network and in designing and implementing *Maryland's Co-Teaching Framework*. This framework was developed as a component of one of the Solutions incorporated in the third *Maryland State Improvement Grant* to improve outcomes for children and youth with disabilities in the LRE. The grant is funded by the OSEP. The Solution's purpose is to support collaboration for the development of an interactive network of administrators and teachers that builds capacity for system's change. The use of the framework; the provision of high quality staff development related to co-teaching and the implementation of evidenced-based practices; and the development of online web-based components all focus on enhanced opportunities for students with disabilities to be successful in the LRE. The MSDE supports the initiative at the system, school and school team levels to stimulate the development, initiation and implementation of effective practices. Under shared ownership with other divisions within the department, the framework has been established and ongoing data collection and analysis has been sustained to inform decision-making and guide the content for professional development, support and web-based component development. Analysis of the data over time using measured framework outcomes will be used to predict and validate dual benefits regarding placement and academic achievement. The State looks forward to reporting results following this final year of the MISIG III grant implementation. The web-based components on <http://marylandlearninglinks.org> will continue to be enhanced to support sustainability beyond the funding cycle of the grant.

#### Competitive Grants

In FFY 2010, there were five competitive grants awarded by the State to improve the education of students with disabilities in the LRE. There are also numerous other grants such as supplementary aids and services, providing parent support, improving results for students with emotional disabilities, improving academic performance, and those focused on improving student behavior that all have a positive impact on LRE data. Although these have been successful over the years, the State made the decision to reevaluate its grant program beginning July 1, 2011 to determine if there are other improvements to be made. Final decisions have not been made by the date of this document; therefore, in light of potential changes the improvement activity will stand, but may be revised again.

#### Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 [If applicable]

N/A

**Part B State Annual Performance Report (APR) for FFY 2009****Overview of the State Performance Plan Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: FAPE in the LRE**

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

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

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

Measurement:

Outcomes:

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

Progress categories for A, B and C:

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

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

Summary Statement 1: Of those preschool children who entered the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the

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time they turned 6 years of age or exited the program.

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

### Target Data and Actual Target Data for FFY 2010:

Targets and Actual Data for Preschool Children Exiting in FFY 2010 (2010-11)

Summary Statements	Targets FFY 2010 (% of children)	Actual FFY 2010 (% of children)	Actual FFY 2009 (% of children)
<b>Outcome A: Positive social-emotional skills (including social relationships)</b>			
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.3%	68.9%	64.4%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	71.5%	67.5%	64.9%
<b>Outcome B: Acquisition and use of knowledge and skills (including early language/communication and early literacy)</b>			
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	66.6%	69.5%	65.3%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	57.3%	55.2%	52.7%
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>			
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	61.7%	63.9%	60.6%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.2%	63.6%	62.1%

### Progress Data for Preschool Children FFY 2010

A. Positive social-emotional skills (including social relationships):	Number of children	% of children	SFY 2009 % of children
a. Percent of children who did not improve functioning	356	12.6%	16.1%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	279	9.8%	9.4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	281	9.9%	9.6%

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d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1127	39.9%	36.5%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	781	27.6%	28.4%
<b>Total</b>	<b>N = 2824</b>	<b>100%</b>	
<b>B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):</b>	<b>Number of children</b>	<b>% of children</b>	<b>SFY 2009 % of children</b>
a. Percent of children who did not improve functioning	353	12.5%	13.8%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	402	14.2 %	16.6%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	511	18.1%	16.9%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1214	42.9 %	40.4%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	344	12.2%	12.4%
<b>Total</b>	<b>N= 2824</b>	<b>100%</b>	
<b>C. Use of appropriate behaviors to meet their needs:</b>	<b>Number of children</b>	<b>% of children</b>	<b>SFY 2009 % of children</b>
a. Percent of children who did not improve functioning	381	13.5 %	17.2%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	376	13.3%	12.4%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	272	9.6%	8.3%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	1072	37.9%	37.1%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	723	25.6%	25.0%
<b>Total</b>	<b>N = 2824</b>	<b>100%</b>	

### Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

#### Improvement Activities targeting quality of data:

Division staff and Johns Hopkins University/Center for Technology in Education (JHU/CTE) staff provided an annual update of data entry and reporting enhancements incorporated into the Early Childhood

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Accountability System (ECAS) at the Spring Administrative Briefing conducted in March 2011 for twenty-four local school system (LSS) and two public agency (PA) preschool special education coordinators. The focus for the Spring Administrative Briefing was on analyzing data for program improvement planning. The morning session of the Briefing provided attendees with a demonstration of each of the enhanced reports, along with application of the LRE settings and disability categories data filters. In addition, LSS/PA preschool coordinators were provided with an orientation to the added reporting feature that allows each LSS/PA to generate its own *levels of progress report* and *Summary Statements* for each of the three child outcomes, as well as identify Exit measures completed, but not finalized (and therefore not included in the *levels of progress* or *Summary Statements* calculations), along with a list of individual children still in need of a completed Exit measure for the reporting period (July 1-June 30 of each year). Attendees also received a demonstration of two other data filters added to the ECAS that provide for further examination of the Progress at Exit data: a) children who demonstrated “no progress” ***in any one*** of the three child outcomes; and, b) children identified as “age equivalent” ***across all three*** child outcomes at both Entry and Exit. The afternoon session included a presentation by a local school system on their data analysis and improvement planning approaches, with time provided for hands-on experience with the new reporting features in on-site computer labs. This level of data analysis was not available to the MSDE or to the LSSs/Pas prior to the incorporation of the enhanced reporting features.

With the availability of the enhanced reports and data filters, MSDE staff conducted a comparison of the number of children for whom Progress at Exit was reported through ECAS for FFY 2010, with the number of children with IEPs enrolled in kindergarten and the number of children 5 years of age with IEPs reported by each LSS and PA for the same time period. The results of the comparison raise significant concerns regarding the representativeness of the population of children included in the ECAS data against the anticipated number of children for whom there should be Progress at Exit data. These results also underscore a persistent question of whether the data can be said to accurately represent the level of effectiveness of preschool special education services when a significant portion of the population appear to be missing from data collection and reporting efforts. The following table provides the different population totals and the data source.

SPP/APR Data for Indicators 7A, 7B and 7C School Year 2010 - 2011												
	Social-Emotional				Knowledge and Skills				Appropriate Behaviors			
	7.A.1	Met/ Not Met	7.A.2	Met/ Not Met	7.B.1	Met/ Not Met	7.B.2	Met/ Not Met	7.C.1	Met/ Not Met	7.C.2	Met/ Not Met
State Target	66.3%		71.5%		66.6%		57.3%		61.7%		64.2%	
State Actual	68.9%	Met	67.5%	Not Met	69.5%	Met	55.2%	Not Met	63.9%	Met	63.5%	Not Met
Total # Exit	Total K with an IEP*				ECAS % of K population with IEP			Total 5 year olds with an IEP*	ECAS % of 5 year old population with IEP			
Source: ECAS	*Source: October 2010 Special Education Census Report											
2824	5789				48.8%			5029	56.2%			

As part of the annual Self-Assessment Process, Improvement Plans for Indicator 7 are due from the LSSs and the PAs in January 2012. LSSs and PAs not meeting a State target are required to submit an Improvement Plan outlining activities designed to improve results for children in the affected outcome area. In addition, for FFY 2010, any LSS or PA with a significant discrepancy between the populations of children reported will be required to submit an Improvement Plan, even when the LSS/PA met one or more State targets. The MSDE preschool staff in collaboration with staff from the Quality Assurance and

Monitoring Branch (QAM) will provide technical assistance to LSS and PA preschool staff in order to improve results and the integrity and representativeness of the data to ensure an accurate picture of effectiveness of preschool special education services.

The FFY 2010 data reflect improvement for all summary statements across the three child outcomes. State targets were “Met” for all *Summary Statements #1: Of those children who entered or exited the program below age expectations in Outcome A/B/C, the percent who substantially increased their rate of growth by the time they exited the program.* Although the State target was not met for all *Summary Statements #2*, the data demonstrated an increase in the percentage of children “functioning within age expectations by the time they exited the program” across all three outcomes. In addition, there was a decrease in the percentage of children falling into the progress level “a. Percent of children who did not improve functioning” for each child outcome. Completing accurate and reliable ratings of performance on age-appropriate indicators in the Work Sampling System (WSS), the instrument that is cross walked in ECAS to the three broad child outcomes, was the primary focus of the Preschool MMSR professional development modules developed during FFY 2009, and delivered beginning in FFY 2010. This focused PD contributed to overall improvement in the data reported through the two summary statements for each outcome, as well as ongoing discussions and presentations regarding narrowing the performance gap for children with disabilities, included in meetings conducted throughout FFY 2010 by MSDE for local program administrators.

At the local program level, five out of twenty-four LSSs met all State targets, and their ECAS data, in terms of numbers of children, were determined to be acceptable (70% or greater) in comparison with reported enrollment numbers of children with IEPs based on age or grade level (K) for the same time period. Nine out of twenty-four LSSs had significant discrepancies between the number of children for whom Progress at Exit was reported through ECAS for FFY 2010, and the number of children with IEPs enrolled in kindergarten and the number of children 5 years of age with IEPs reported for the same time period, bringing the validity of their “Met/Not Met” status into question. The MSDE will work with these LSSs to address the discrepancy between ECAS and other enrollment data in order to ensure that data for all preschool children are collected at Entry and Exit. Data must be valid, reliable, and representative of the preschool population receiving services through an IEP before being used as a measure of program effectiveness, and serving to inform improvements in policies, procedures and practices on a statewide as well as local program basis.

In anticipation of the 2011-2012 school year, LSS/PA preschool special education coordinators submitted a plan and timeline for making the transition from the use of data entry personnel to direct service providers entering data into the ECAS system on children for whom they have responsibility, as part of the annual professional development grant applications for the MMSR/ECAS. On site grant application planning meetings were held with each local jurisdiction from March through May 2011, with grant submissions due to MSDE by July 15, 2011. During FFY 2010, the LSSs and PAs continued to receive training on the four Preschool MMSR modules developed during the previous reporting period. The content of the modules focused on: accuracy and consistency of performance ratings on the Work Sampling System (WSS) for 3 and 4 year old children served under an IEP as well as an Extended IFSP; development of individual child IEP goals and objectives/ IFSP outcomes that are aligned with expectations for school readiness (Maryland State Curriculum); and identification and implementation of appropriate curricular and instructional modifications and accommodations that support access to the general curriculum across early childhood settings. Evaluation results from training delivered on the four modules during indicated that local preschool program coordinators, teachers and related services personnel felt the content met their identified professional development needs, including increasing an understanding of typically developing child expectations, and assuring accurate performance level ratings based on observation of children's performance over time.

Two additional preschool modules were developed for FFY 2010. The content for the additional modules extends the training included in modules 3 & 4 on differentiated instruction, and also integrates ECAS data entry and beginning data analysis applications. Training on modules 4 & 5 is being provided during FFY 2011 to local school system and local Infants and Toddlers Program staff, as well as including early childhood general education staff as requested by the local jurisdiction.

## APR Template – Part B (4)

MARYLAND

State

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

The MSDE, the Division of Special Education/Early Intervention Services (DSE/EIS), and the Division of Early Childhood Development (DECD) continue to jointly develop and coordinate implementation of the annual plan for Maryland Model for School Readiness (MMSR) and the ECAS Professional Development through annual Spring PD planning meetings with local school system general and special education early childhood coordinators, and local Infants and Toddlers Program managers. The DSE/EIS is working closely with the DECD in the development of indicators for three and four year olds that are aligned with the Common Core indicators for K-12. The DSE/EIS will be a part of future development of performance level criteria (exemplars), which will utilize universal design principles to assure that the revised statewide early childhood assessment and progress monitoring system supports access by all sub-groups/at-risk populations of children, and includes provisions for alternative modes of responding to a particular performance task, when appropriate according to the skill, knowledge or behavior that is being assessed. Division Part C and Part B 619 staff will continue to explore how the current different assessment measures and progress monitoring approaches for children served through an IFSP and an IEP can be integrated into one birth through five system for consistency and continuity of data collection, analysis and progress monitoring. An additional consideration to be explored beginning in FFY 2011 will be the feasibility of having access to the ECAS available only through the Maryland online IEP, and building in alerts or notifications to designated staff when an Entry or Exit measure is due to be entered.

### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011**

N/A



**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

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

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

**Measurement:**

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

FFY	Measurable and Rigorous Target
<b>FFY 2010 (2010-2011)</b>	<p>34% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p> <p>38% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.</p>

**Actual Target Data for FFY 2010:**

Target	Actual Number	Actual Percentage	Target Status
<b>School Age – 34%</b>	8,467	40%	<b>Exceeded Target</b>
<b>Preschool – 38%</b>	1,511	49%	<b>Exceeded Target</b>

The MSDE conducted a census survey of a total of 98,962 parents of children and youth receiving special education services. Of the total number of surveys (98,962), 88,420 (83,691 English and 4,729 Spanish) were sent to parents of school-aged (6 through 21 years of age) children and youth receiving special education services and 10,542 (10,049 English and 493 Spanish) parents of preschool (3 through 5 years of age) children receiving special education services. Results are based on the surveys returned by 8,467 (8,467 responses—7,850 English and 322 Spanish) parents of school-aged children (9.6%) and 1,511 (1,511 responses—1,454 English and 45 Spanish) parents of preschool children (14.3%). Overall 9,979 of 98,962 (10.1%) of all surveys were returned. Overall, there was a 10.1% response rate which was comprised of 14.3% for parents of preschoolers and 9.6% for the parents of school-age children.

For the 2010-2011 school year, questions were administered via paper and web surveys. Separate surveys were used for parents with children in preschool versus parents of school-age children. The MSDE provided the vendor with a list of all schools within each county by preschool and school-age populations. The MSDE also provided the vendor the number of nonpublic schools in which local school systems have placed students with disabilities, in order to receive a FAPE. In addition, four special schools were included in the FFY 2010 parent survey: The SEED School of Maryland, a public residential school for at-risk students; Maryland School for the Blind and the two campuses of the Maryland School for the Deaf (Columbia and Frederick). School lists were generated for each local school system and special school.

In addition, each survey shipment included a letter of explanation that detailed the purpose of the survey and provided contact information for the MSDE project officers and a member of the vendor staff. Each survey packet contained one survey, an introductory letter to parents, a Frequently Asked Questions (FAQ) Flyer about the survey, and a business reply envelope to return the completed survey directly to the vendor. The packages were addressed to the Parent/Guardian of a specific child. All surveys were mailed in early May 2011. After the surveys had been delivered, a few calls were received at the MSDE and the vendor for requests of the survey in a different language. These inquiries were directed to the ICF Macro Team and the requested surveys mailed out within a few days of receipt of the request. Surveys were returned directly to the ICF Macro Team's offices via business reply mail. As each survey was received, it was processed, counted, and prepared for scanning.

The indicator is calculated based on parental responses to a series of questions administered via a paper/pencil and web survey. As with previous iterations of this survey, the questions on the survey are those recommended by the National Center for Special Education Accountability Monitoring (NCSEAM), and include 25 core questions followed by six (6) demographic questions. (The preschool questionnaire included 7 demographic questions). Separate surveys are used for parents with children in preschool versus parents of school-age children. Surveys were mailed in English and in Spanish based upon information provided by the counties. Rasch analysis, using the weights (i.e., anchors) suggested by the NCSEAM, is used to calculate the value of the OSEP Indicator 8. For the current data collection period, an additional comment field was added to the end of the web survey for both English and Spanish, as well as to the end of the English paper surveys for parents to provide their feedback regarding the special education services their child received in the 2010-2011 school year.

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

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010**

##### **Responses from Parents of Preschool-Aged Children Receiving Special Education**

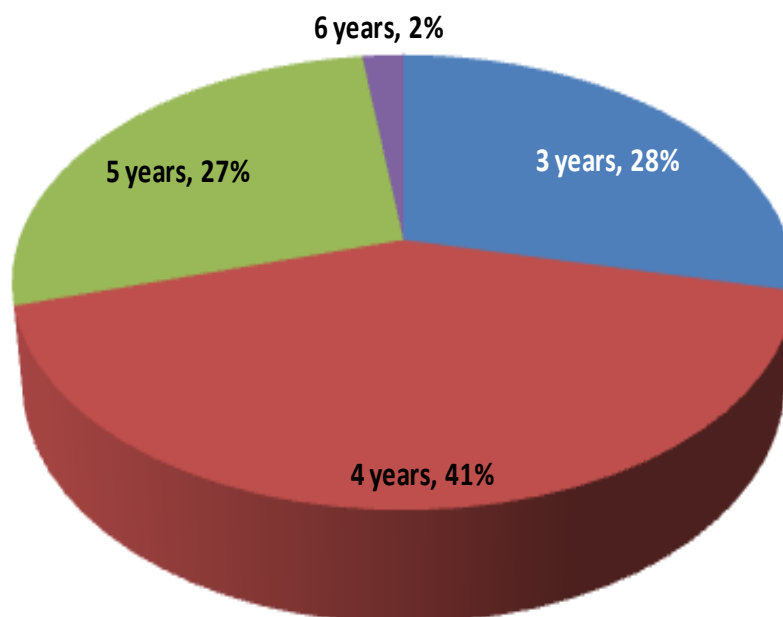
Overall 740 of 1,511 (49%) of parents of preschool-aged children reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. The FFY 2009 survey indicated 43% of parents of preschool-aged children reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities. This is a six percentage point increase over FFY 2009.

Nearly all respondents were from Maryland; with the exception of four (4) respondents (These four respondents did not answer the question indicating the state in which they reside). The number of responses provides enough forms for reliable statewide estimates. Distributions for the other demographics are shown in Figures 1 to 4.

These reveal the following:

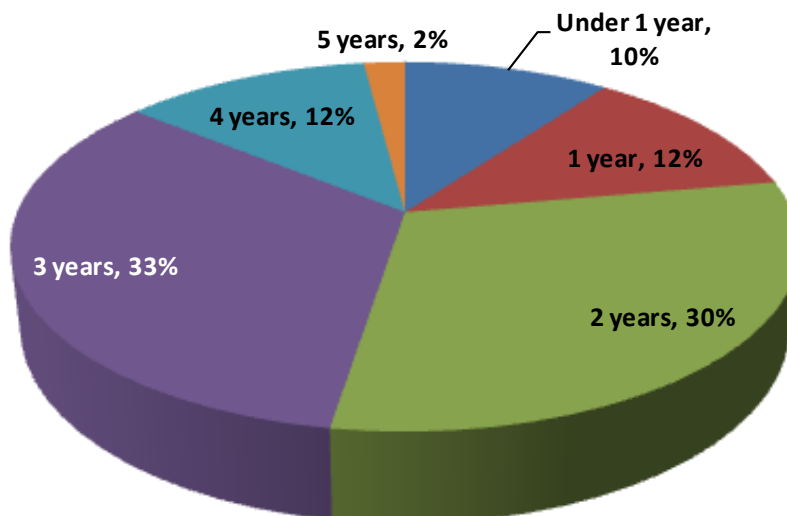
- Ninety-six percent of the respondents were parents of preschoolers, 3, 4 or 5 years of age (Figure 1).
- Eighty-five percent of respondent's children were referred for services before the age of 4 (this compares to less than 50% in the 2008-2009 school year, but 85% in 2009-2010) (Figure 2).
- Over half (57%) of the respondents were White, about one-fifth (20%) were Black or African American, 9% Hispanic and 8% identified themselves as multiracial (Figure 3).
- The four most frequently cited exceptionalities/disabilities (speech or language impairment, developmental delay, autism, and multiple disabilities) account for more than 90 percent of the exceptionalities/disabilities cited (Figure 4).

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



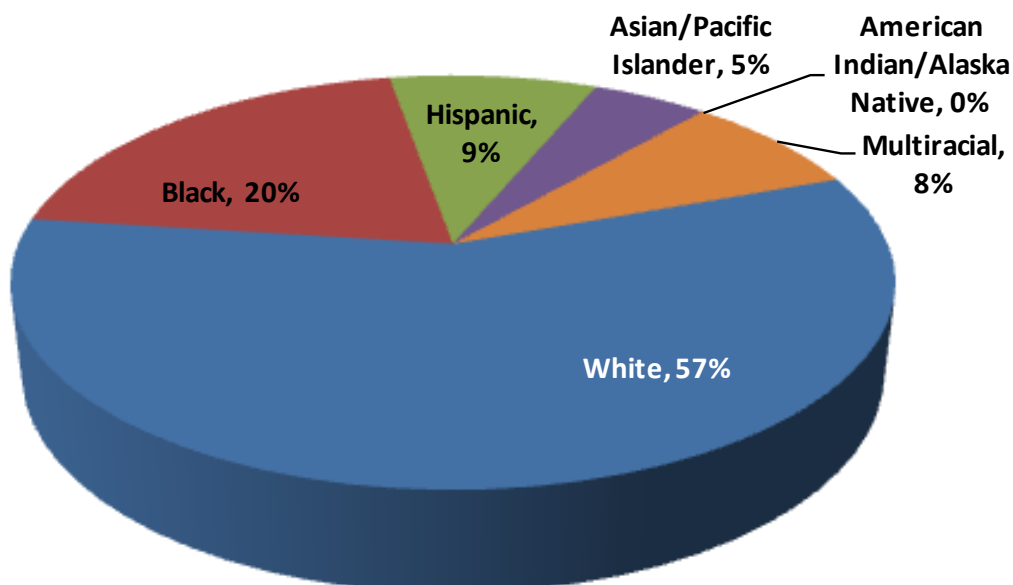
Note: Does not equal 100% because of rounding.

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

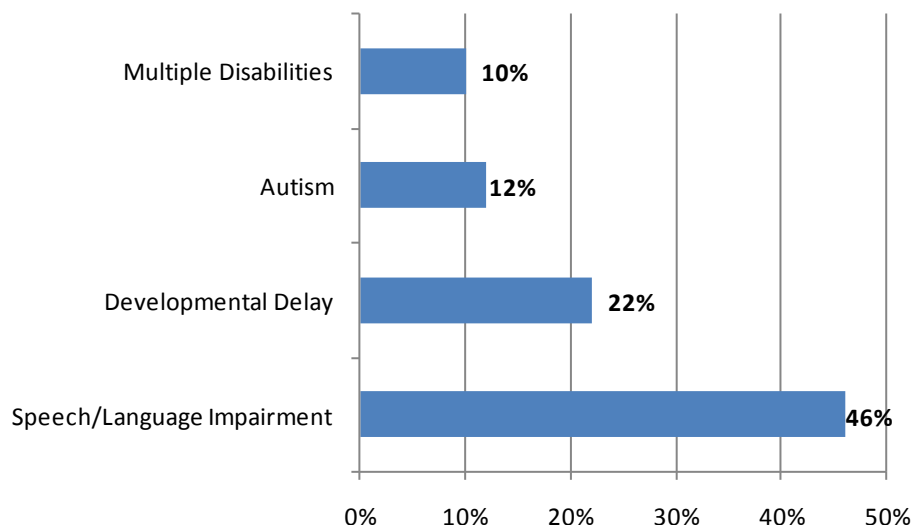


Note: Does not equal 100% because of rounding.

**Figure 3: Distribution of Respondents by Race of Child**



Note: Does not equal 100% because of rounding.

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

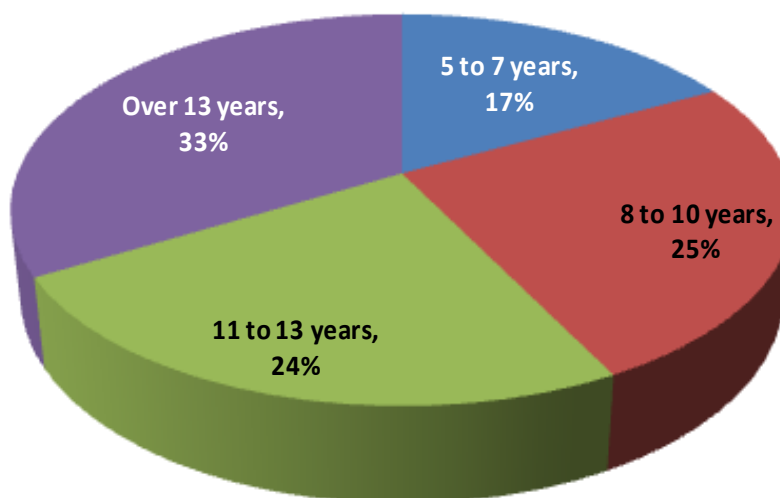
In FFY 2010, 96% of the respondents, by age of the child, were parents of children 3, 4 and 5 years of age, as compared to FFY 2009, when 99% of the respondents by age of the child were 3, 4 and 5 years of age. The percentage of respondents who are Black or African American decreased over the previous year (20% versus 21%) while the percentage of respondents who are Asian, Multiracial and Hispanic remained constant (5%, 8% and 9% each year respectively). The percentage of White respondents increased from 56% to 57%. A comparison of FFY 2010 and FFY 2009 distribution of respondents continued to identify the largest percentage of respondents were parents of children identified with a speech or language impairment (46% versus 45%). Also the parents of children with a developmental delay were similarly represented (22% versus 21%). FFY 2010 found a lower percentage of parents of children with multiple disabilities (10% versus 16%) responded thus making children identified with multiple disabilities the fourth highest distribution of respondents by disability with respondents of children with autism moving into the third highest distribution (12% versus 9%) .

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

Overall 3,387 of 8,467 (40%) of parents of school-aged children reported that schools facilitated parent involvement as means of improving services and results for children with disabilities. This is three (3) percentage points higher than reported in FFY 2009 (37%). Nearly all respondents (97%) were from Maryland; with the exceptions amounting to about 3% not responding to the question (3 respondents lived in Delaware, 2 in Virginia, 2 in Pennsylvania, and 1 in the District of Columbia).

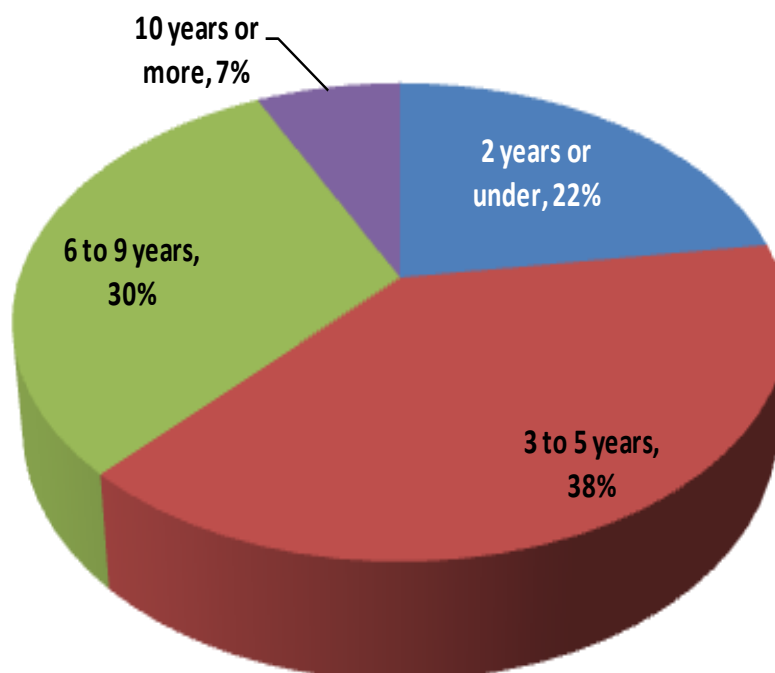
Figures 5-8 display the demographics for these school-age children of parents responding to the survey. Figure 5 displays the distribution of the children by age during that school year. Just under half (42 percent) of these are 10 or younger. The majority (60 percent) were referred to Early Intervention or Special Education before the age of 6 (Figure 6). Over half (54 percent) are White and more than one-quarter (29 percent) are Black or African American (Figure 7). The four most frequently cited disabilities account for 76 percent of the disabilities cited (Figure 8).

Figure 5: Distribution by Age of School-age Children



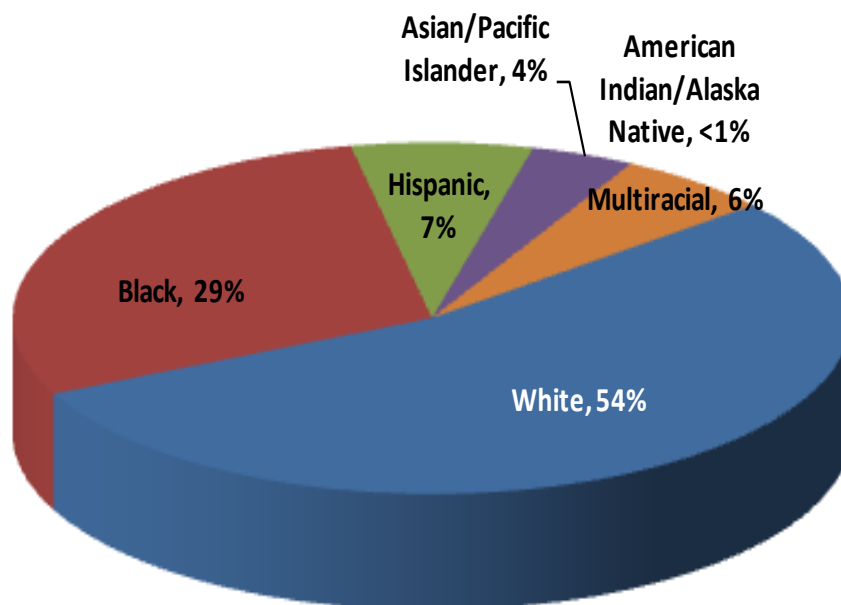
Note: Does not equal 100% because of nonresponse.

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



Note: Does not equal 100% because of nonresponse.

Figure 7: Distribution of Respondents by Race of Child



Note: Does not equal 100% because of nonresponse.

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

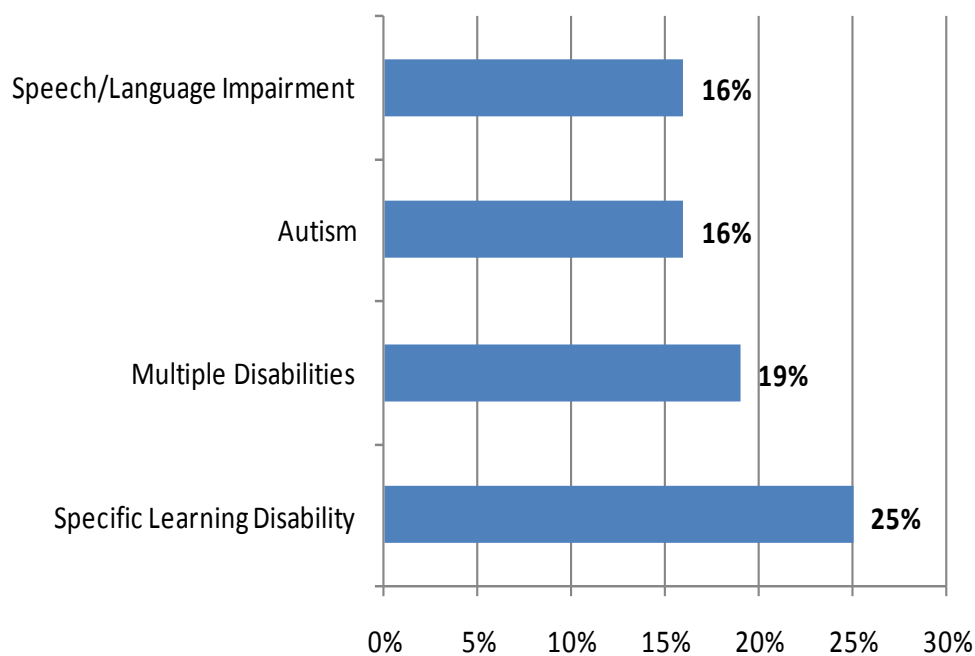
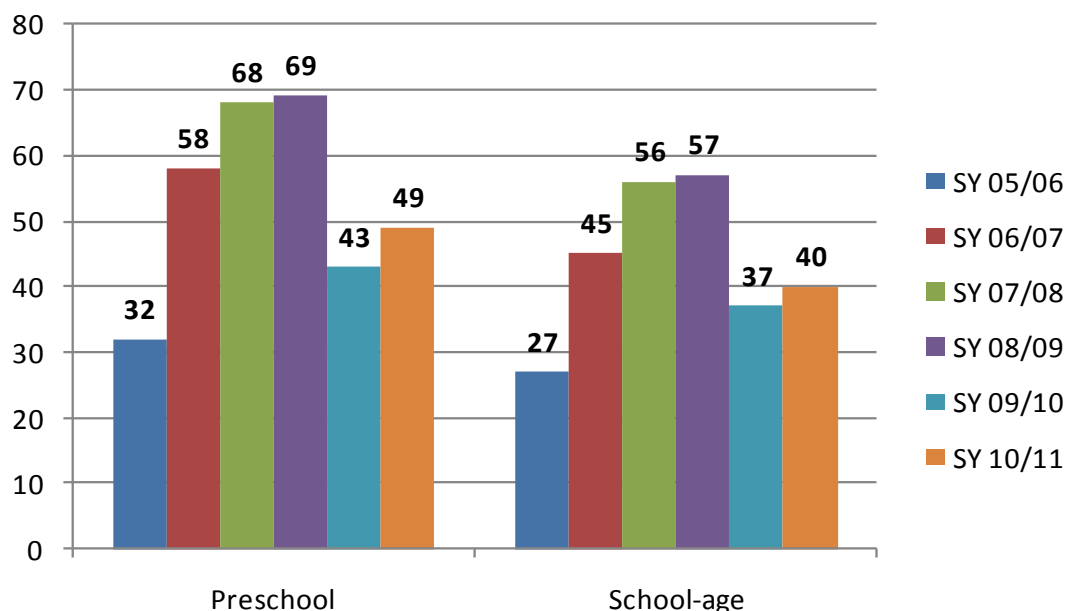


Figure 9 presents data comparing the values on OSEP Indicator #8 for school years 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, and 2010/2011.

**Figure 9: OSEP Indicator #8, School Year 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, and 2010-2011  
Preschool and School-Age Children**



### Improvement Activities

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

Overall, the number and percentage of students with disabilities, ages three through 21 years of age receiving special education, by race and ethnicity reported in the October 29, 2010 child count identified their race and ethnicity as 42,126 (41.5%) White, 42,796 (42.1%) Black/African American, and 10,735 (10.6%) Hispanic. Respondents to the two surveys represented a total of 9,978 respondents. A total of 5,314 (53%) were identified as White, 2,689 (27%) as Black/African American, 715 (7%) as Hispanic, and 595 (6%) as Multiracial. There was a decrease in the number of Black/African American respondents to the survey over FFY 2009 response rates (27% in FFY 2010 vs. 28% in FFY 2009). The respondents were representative of the population. As a part of its Maryland State Improvement Grant III (Performance Measure 5), Maryland provides professional development for Family Support Coordinators across the State and had developed online resources and learning opportunities for families of children and youth with disabilities.

At Special Education State Advisory Committee (SESAC) Meetings the SESAC members have reviewed Parent Survey Results for 2010-2011 to problem solve how to increase parent participation. The 2010-2011 Parent Survey Results were distributed to local directors of special education at the Division's Annual Special Education Leadership Conference, October 12 – 14, 2011. Local Parent Survey results are used by each local school system to complete their self-assessment. Local directors of special education, local preschool coordinators, and SEASC members were informed that a Parent Survey Task Force, comprised of pertinent stakeholders, including local directors of special education, local preschool coordinators, SESAC members, parents, and advocates would be developed to review the parent survey and to make recommendations for strategies to improve the parent response rate.



## APR Template – Part B (4)

MARYLAND  
State

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

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

**Revisions, with Justification, to Proposed Targets/Improvement Activities/Timelines/Resources for FFY 2011:**

Improvement Activities	Timelines	Resources	Justification
Review the Parent Survey form and the NCSEAM Item bank to determine if the questions currently on the Survey were appropriate and made suggestions for revisions. <b>NEW</b>	September 22, 2011 through June 30, 2013	2010-2011 Parent Survey results  Trend data from previous administrations of the Parent Survey  NCSEAM Item Bank for Part B Scales  Parent Survey Form	Increase the percentage of parents responding to the annual parent survey in an effort to obtain more parental input about schools facilitating parent involvement as a means of improving services and results for children with disabilities.
Convene a Task Force comprised of pertinent stakeholders would be developed to review the parent survey and to make recommendations for strategies to improve the parent response rate. <b>NEW</b>	January 2012 through June 30, 2013	DSE/EIS, SAPD SESAC SECAC Local Directors Local Preschool Coordinators Parents Advocates	Increase the percentage of parents responding to the annual parent survey in an effort to obtain more parental input about schools facilitating parent involvement as a means of improving services and results for children with disabilities.

## Part B State Annual Performance Report (APR) for FFY 2010

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

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Disproportionality**

**Indicator 9:** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

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

**Measurement:**

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

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

The State used its Section 618 data, collected the last Friday in October, 2010, from each of the 24 local school systems, and reported in the 2010 *Maryland Special Education/Early Intervention Services Census Data and Related Tables*.

**Definition of “Disproportionate Representation” and Methodology**

Disproportionate representation is defined as having students in a particular racial/ethnic group (i.e., American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Pacific Islander, White, Hispanic, or Two or More Races) being at a considerably greater or lesser risk of being identified for special education and related services than all other racial/ethnic groups enrolled either in the local school system or in the State.

Maryland identifies disproportionate representation using a weighted risk ratio calculated according to the instructions provided in the IDEA publication, “Special Education: A Technical Assistance Guide.”  
<http://www.ideadata.org/docs/Disproportionality%20Technical%20Assistance%20Guide.pdf>

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

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

**Identification of Disproportionate Representation:** In addition to meeting the weighted risk ratio of 2.0 or above for over-representation, and 0.5 or below for under-representation, the local school systems must meet the criteria for the minimum “n” size. Consistent with OSEP’s revised guidance, MSDE utilizes a minimum “n” size of 30 for all local school systems.

**Step One:**

Using the criteria established above, the State determined that 1 local school system was identified as meeting the data threshold for disproportionate over-representation and 8 school districts were identified as meeting the data threshold for disproportionate under-representation. Two local school systems were excluded from the calculation as a result of not meeting the minimum “n” size.

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

The MSDE determines if the local school systems’ disproportionate representation is the result of inappropriate identification by first reviewing the *Self-Assessment of Public Agency Performance on IDEA, Part B Indicators (Self-Assessment)*. In this document, local school systems report their data for Indicator 9. If the local school system reports disproportionate representation, it must review its policies and procedures to ensure compliance with the child find, evaluation, and eligibility requirements related to appropriate identification. In addition the local school is to review a sampling of records of students in the disproportionate race who are newly identified in FFY 2010 to ensure that appropriate identification procedures were used. The local school system is to submit to the MSDE both the policies and procedures and a summary report based on the record review. The MSDE then verifies that policies and procedures are appropriate and that these procedures were followed for the identification of students for special education.

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

FFY	Measurable and Rigorous Target
FFY 2010	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.

**Actual Target Data for FFY 2010: 0% Target Met****Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification**

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups that was the Result of Inappropriate Identification	Percent of Districts
FFY 2010 (2010-2011)	24	9	0	0%

## APR Template – Part B (4)

MARYLAND  
State

### Correction of FFY 2009 Findings of Noncompliance (if State did not report 0%):

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

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

### Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

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

### Actions Taken if Noncompliance Not Corrected:

N/A

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

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:

### Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):

N/A

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

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

N/A

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

N/A

## APR Template – Part B (4)

MARYLAND  
State

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

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

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

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

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

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

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

N/A

**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Disproportionality**

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

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

**Measurement:**

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

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

The State used its Section 618 data, collected the last Friday in October, 2010, from each of the 24 local school systems, and reported in the 2010 Maryland Special Education/Early Intervention Services Census Data and Related Tables.

**Definition of “Disproportionate Representation” and Methodology**

Disproportionate representation is defined as having students in a particular racial/ethnic group (i.e., Native American Indian, Asian, Black or African American, Native Hawaiian or Pacific Islander, White, Hispanic, or Two or More Races), as being at a considerably greater or lesser risk of being identified in a specific disability category (i.e., Intellectual Disability, Specific Learning Disability, Emotional Disability, Speech or Language Impairments, Autism and Other Health Impairment), than all other racial/ethnic groups enrolled either in the local school system or in the State.

Maryland identifies disproportionate representation using a weighted risk ratio calculated according to the instructions provided in the IDEA publication, “Special Education: A Technical Assistance Guide.”

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

**Over-representation**

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

**Under-representation**

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

**Identification of Disproportionate Representation**

In addition to meeting the weighted risk ratio of 2.0 or above for over-representation, and 0.5 or below for under-representation, the local school systems must meet the criteria for the minimum “n” size.

## APR Template – Part B (4)

MARYLAND  
State

Consistent with OSEP's revised guidance, MSDE utilizes a minimum "n" size of 30 for all local school systems.

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

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

	Intellectual Disability	Specific Learning Disabilities	Emotional Disability	Speech or Language Impairments	Autism	Other Health Impairments
<i>American Indian or Alaskan Native</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Asian</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Black or African American</i>						
# of LSS	5	7	5	0	0	1
% of LSS	21%	29%	21%	0%	0%	4%
<i>Native Hawaiian or Pacific Islander</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>White</i>						
# of LSS	0	0	0	0	1	1
% of LSS	0%	0%	0%	0%	4%	4%
<i>Hispanic</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Two or More Races</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%

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

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

	<b>Mental Retardatio n</b>	<b>Specific Learning Disabilitie s</b>	<b>Emotional Disturbanc e</b>	<b>Speech or Language Impairment s</b>	<b>Autism</b>	<b>Other Health Impairments</b>
<i>American Indian or Alaskan Native</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Asian</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Black or African American</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Native Hawaiian or Pacific Islander</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>White</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Hispanic</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%
<i>Two or More Races</i>						
# of LSS	0	0	0	0	0	0
% of LSS	0%	0%	0%	0%	0%	0%

Using the criteria established above, the State determined that thirteen local school systems were identified as meeting the data threshold for disproportionate representation of racial and ethnic groups in specific disability categories. Eleven local school systems were excluded from the calculation as a result of not meeting the minimum "n" size (Step One).

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

The policies and procedures for the identified thirteen local school systems were provided to the MSDE. Compliance monitors reviewed the policies and procedures and found all thirteen to be in compliance with the requirements of 34 CFR §300.111, §300.201, and §300.301 through § 300.311. In addition to reviewing policies and procedures, each of the 13 local schools systems were required to conduct a review of records of each student in the disproportionate racial group identified in the disproportionate disability category during the 2010-2011 school year to ensure compliance with requirements related to child find, evaluation and eligibility. Based on the results of the record review and the review of policies and procedures all thirteen local school systems were compliant with the requirements of 34 CFR §300.111, §300.201, and §300.301 through § 300.311.

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



## Actual Target Data for FFY 2010:

FFY	Measurable and Rigorous Target
FFY 2010	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

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

Year	Total Number of Districts	Number of Districts with Disproportionate Representation	Number of Districts with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification	Percent of Districts
FFY 2010 (2010-2011)	24	13	0	0%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:

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

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

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

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

## APR Template – Part B (4)

MARYLAND  
State

### Correction of FFY 2009 Findings of Noncompliance (if State reported more than 0% compliance):

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

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	0
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	0
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

### Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	0

### Actions Taken if Noncompliance Not Corrected:

N/A

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

N/A

### Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:

N/A

### Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable):

1. Number of remaining FFY 2008 findings noted in OSEP's June 2011 FFY 2009 APR response table for this indicator	0
2. Number of remaining FFY 2008 findings the State has verified as corrected	N/A
3. Number of remaining FFY 2008 findings the State has not verified as corrected [(1) minus (2)]	0

### Verification of Correction of Remaining FFY 2008 findings:

N/A

## APR Template – Part B (4)

MARYLAND

State

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

N/A

**Correction of Any Remaining Findings of Noncompliance from FFY 2007 or Earlier (if applicable):**

**Provide information regarding correction using the same Table format provided above.**

N/A

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

N/A

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

N/A

**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Effective General Supervision Part B / Child Find**

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

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

**Measurement:**

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a. but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

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

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>FFY 2010 (2010-2011)</b>	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

**Actual Target Data for FFY 2010:** 97.71% – Target Not Met

The MSDE requires local school systems and public agencies to report Indicator 11 data. FFY 2005 was the first year required. In FFY 2006, the MSDE clarified and improved procedures for collecting, reviewing, verifying data, reporting reasons for delay, and range of day data, for local school systems and public agencies. All local school systems and public agencies were also able to determine the number of acceptable reasons for delay, and for determining which evaluations were not completed within 60 days. Providing reasons for why the evaluations were not completed within timelines, delay reason are considered unacceptable and acceptable reasons as to why an evaluation did not occur within 60 calendar days of parental consent for evaluation. The MSDE Excel spreadsheets calculates percentages through formulas that account for the acceptable reasons for delay based on the total number of evaluations completed within 60 days, as described in the OSEP Part B Indicator Support Grid.

The MSDE again revised the forms/Excel spreadsheets for the FFY 2007 (2007-2008) collection period to address discrete details in order to more closely examine reasons for delay, and the range of days beyond 60 calendar days, for each local school system and public agency. This information is annually utilized to assist local school systems or public agencies (LSS/PAs) in analyzing data and providing for technical assistance needs.

The MSDE improvement activities included the revision of a new Excel data collection form and improved instructions to accompany the form, along with technical assistance provided at regional data management meetings. The MSDE data management and program staff worked closely with local school

## APR Template – Part B (4)

MARYLAND  
State

system staff to ensure the integrity of the data reported in FFY 2010. Additionally, the data field collected by Excel spreadsheets are now being collected by the SSIS data collection system, which will lead to a switch from Excel spreadsheets of aggregate data from the LSS/PAs to student level data collected through web based data submission to SSIS as part of the child count data collection system.

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

The data for the FFY 2010 APR submission represents the number of children evaluated as the result of receiving parental consent during the reporting period of July 1, 2010 through June 30, 2011.

a. Number of children for whom parental consent to evaluate was received	19118
b. Number of children whose evaluations were completed within 60 days (or State-established timeline)	18680
Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established-timeline) (Percent = [(b) divided by (a)] times 100)	97.71%

**Measurement:** 18680 divided by 19118 X 100 = 97.71%

Federal and State timeline exceptions include **248 students** distributed as stated below:

- **84 students** whose parent repeatedly failed or refused to make child available [§300.301(d)(1)]
- **13 students** enrolled after the 60-calendar day timeframe had started and prior to determination by the previous public agency. Receiving LEA made sufficient progress to complete evaluation, and to a specific time to complete the evaluation (all conditions must be met) parent and LEA agreed [300.301(d)(2) and (e)]; and
- **151 students** were not able to be determined due to withdrawals, i.e., transfer (Student transferred out of the LSS where the evaluation was started and that LSS could no longer track them.), dropout; parent withdrew consent.

Public agencies also reported a total of 999 students as having "acceptable reasons for delay" beyond the 60 days from date of parental consent for evaluation. These three reasons for delay were added to numerator, the reasons included:

- **38 students** evaluations were not completed with 60 days due to inclement weather, acceptable only if school is not in session due to weather emergency;
- **281 students** whose School/Facility Closure due to LSS or School emergency; and
- **680 students** Parent & IEP team have a written agreement to extend timeline [COMAR 13A.05.01.04 (a)] (578).

Public agencies reported a total of **341 students** as having "unacceptable reasons for delay," which included:

- **92 students** paperwork error;
- **16 students** inconclusive testing results;
- **16 students** child not available (not parent failure)/child refusal);
- **65 students** had staffing issues; and
- **152 students** had other reason(s).

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

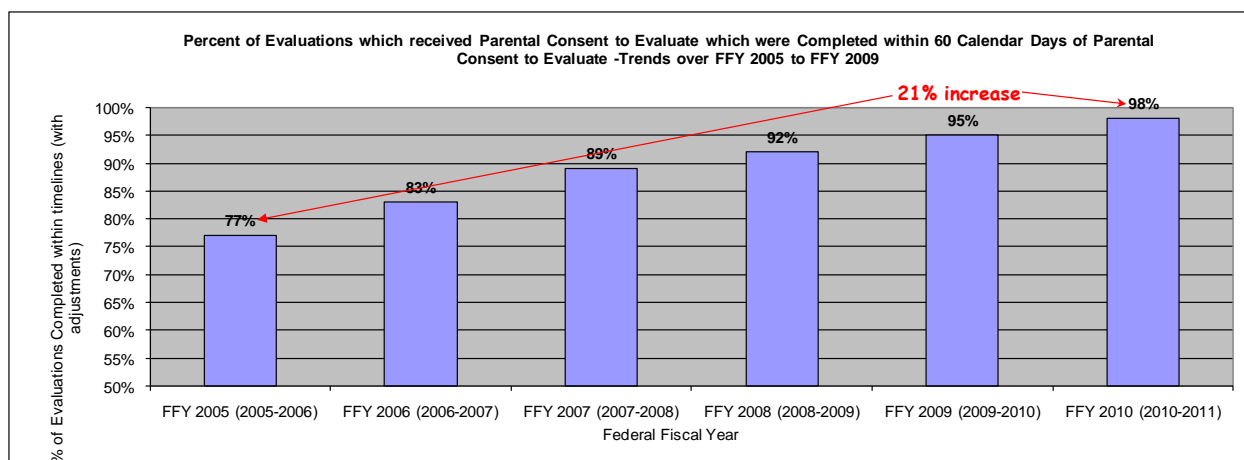
In order to more closely analyze the root causes for delay, the Division collects data on the number of days beyond 60 days for delays considered acceptable reasons for delay (999) and unacceptable reasons for delay (341). A total of 1340 students were not evaluated within 60 days of parental consent for evaluation, the range of days for all reasons clustered as follows:

- **827 (61.73%) - 1 day to 15 days**
- **433 (32.29%) - 16 to 45 days**
- **80 (5.98%) - beyond 45 days**

This information is used by the MSDE monitoring staff to assist public agencies in analyzing data and providing for technical assistance. The MSDE data management and program staff worked closely with local school system staff to ensure the integrity of the data reported in FFY 2010.

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2010:**

In FFY 2010, 97.71% of evaluations were completed within 60 days of parental consent to evaluate. Although the State's target of 100% was not met, the data showed a gain of 2.2 percentage points from FFY 2009 (95.46%), a continued steady improvement. In FFY 2008, 92% was reported, a considerable improvement from FFY 2005 (77%) which continued in FFY 2010 (actual is 97.71%). As shown in the figure below, the MSDE's progress narrowed the gap between the State target of 100% and actual data showing a 21 percentage point increase in compliance over 6 years.



In FFY 2010 a comparison of local school systems and public agencies (LSS/PAs) shows, ten (10) LSS/PAs met the State's target of 100%. In FFY 2009, eight (8) LSS/PAs met the State's target of 100%. In FFY 2008, six (6) LSS/PAs met the State's target of 100% and in FFY 2007, only one (1) LSS/PAs met the State's target of 100%. In FFY 2006, no LSS/PAs meet the State's target of 100%. This progressive trend of improvement is also demonstrated by the data. The number of LSS/PAs which were at or above 95%, a relatively high level of performance although still not meeting the target has steadily increased. In FFY 2007 six (6) LSS/PAs were at or above 95% compared to FFY 2010, where 26 LSS/PAs were at or above 95% and no LSS/PAs were below 95%. This is demonstrated graphically on the SPP public web site: <http://mdideareport.org/CompareSpp.aspx?IndicatorID=25>

The State's progress is due to the technical assistance and the determination of public agencies to identify strategies to oversee the proper implementation of the requirement by school staff. To do this, public agencies with identified noncompliance have used State discretionary grant funds to improve data collection and tracking methods.

The State has also changed data collection methodology. As of November 1, 2010, the MSDE began collecting data for Indicator 11 in the SSIS data collection. As of November 1, 2011, the data fields for Indicator 11 are required to be used by LSS/PAs. The MSDE expects that by November 1, 2012, the data for Indicator 11 will be collected entirely through the SSIS, making Excel spreadsheets no longer

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MARYLAND

State

necessary. The State will verify the use of the new methodology by conducting a parallel data comparison between the Excel spreadsheets and the SSIS system reports.

### Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance):

Based on a desk-audit of the State's FFY 2009 Indicator 11 data, there were 21 findings of noncompliance identified through the State's monitoring system. There were an additional 5 findings identified through complaints. All 26 were corrected within one year.

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	26
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	26
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

### Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2009 findings <u>not</u> verified as corrected [(4) minus (5)]	0

### Actions Taken if Noncompliance Not Corrected:

All FFY 2009 findings were corrected.

### Verification of Correction of FFY 2009 noncompliance (either timely or subsequent):

Upon clarification from OSEP, the State changed its verification procedures. The State uses a two prong approach to verify correction. First, correction is verified in the records of the students where the noncompliance was first identified; then, using an updated set of records within a specific time period, a second set of records are reviewed to determine if those records are compliant. If the results yield 100%, correction is verified. Correction must be made and verified within one year of the date the LSS/PA was first notified in writing of the noncompliance. Because Indicator 11 is a timeline requirement, the violation cannot be corrected. Therefore the State changes its first step in the verification process to determine if the evaluation was completed. The second step, reviewing records for adherence to timelines, is the same. This process is consistent with OSEP Memo 09-02.

When the MSDE issues a written finding of noncompliance to a LSS/PA, a corrective action plan (CAP) is required. The CAP is required to include actions and strategies designed by the LSS/PA to timely correct the area(s) of noncompliance. The first step in the corrective action plan is always to review policies and procedures to ensure compliance with requirements. Then, during the duration of the corrective action and prior to its completion, the MSDE will require the LSS/PA to collect data and conduct a random review of records to determine if correction of noncompliance has been achieved. During the period of correction the State monitors the progress of the LSS/PA. MSDE consultants visit the LSS/PA to

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MARYLAND

State

determine if technical assistance is required, if policies and procedures are being revised (if necessary), and participate in the review of records with the LSS/PA to determine progress.

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

There are no outstanding findings of noncompliance from FFY 2008 or earlier.

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

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

N/A

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

N/A

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

N/A

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

Statement from the Response Table	State's Response
Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.	Although the data indicate that some evaluations are not timely completed, the State has verified in each jurisdiction where the data are less than 100% that appropriate policies, procedures, and practices are correctly implemented to reach the 100% target. In the LSSs/PAs that demonstrated less than 100% compliance, the MSDE has verified that the individual student evaluations were completed. The State then reviewed updated records according to ensure adherence to the 60-day timeline.

### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

N/A The DSE/EIS reviewed the existing Improvement Activities and determined no revisions are necessary.



**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

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

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

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

**Measurement:**

- a. # of children who have been served in Part C and referred to Part for Part B eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.
- e. # of children who were referred to Part C less than 90 days before their third birthdays.

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

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

FFY	Measurable and Rigorous Target
FFY 2010	100% of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

**Actual Target Data for FFY 2010:** 99.17%, Target Not Met

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

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

**Actual State Data (Numbers)**

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MARYLAND  
State

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination.	1941
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	248
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	1649
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied.	34
e. # of children who were referred to Part C less than 90 days before their third birthdays	0
# in a but not in b, c, d, or e.	10
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays  Percent = [(c) / (a-b-d-e)] * 100	99.17%

*Note: Using the tool provided by OSEP, the calculation yielded a percentage of 99.40%. MSDE's calculation yielded an adjusted percentage of 99.17%. MSDE has elected to go with the more conservative of the two calculations.*

Of the 10 children included in a, but not in b, c, d, or e, reasons for the IEP not being in effect on the 3<sup>rd</sup> birthday were: 1 due to an acceptable State reason of inclement weather, 1 due to inconclusive testing, 7 to otherwise unspecified paperwork errors, and 1 due to an unspecified timeline error.

Indicate the range of days beyond the third birthday and the reasons for the delays:

Local school systems and public agencies reported a total of 22 out of 32 students, or 68.75%, whose eligibility determination or IEP development did not occur by the third birthday, as having "Acceptable Reasons for Delay." "Acceptable Reasons for Delay" include "Parent & IEP Team have a written agreement to extend the timeline"; and, "Parent repeatedly failed or refused to make child available." Unacceptable reasons for delay included: Inclement weather; Paperwork error; Inconclusive testing results; Child not available (not parent failure/child refusal); Staffing issue; and Other reason(s).

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

- 1 day to 15 days – 17 or 53.13% (vs. 54.84% for FFY 09)
- 16 to 45 days – 12 or 37.51% (vs. 38.71% for FFY 09)
- Beyond 45 days – 3 or 9.38% (vs. 6.45% for FFY 09)

**Correction of FFY 2009 Findings of Noncompliance (if State reported less than 100% compliance in its FFY 2009 APR):**

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MARYLAND

State

Based on a desk-audit of the State's FFY 2009 Indicator 12 data, there were 2 findings of noncompliance identified through the State's monitoring system. There were no findings identified through complaints. Both findings were corrected within one year.

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	2
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	2
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	0

### Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	0
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	0
6. Number of FFY 2009 findings <u>not</u> verified as corrected [(4) minus (5)]	0

### Actions Taken if Noncompliance Not Corrected:

NA

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

Upon clarification from OSEP, the State changed its verification procedures. The State uses a two prong approach to verify correction. First, correction is verified in the records of the students where the noncompliance was first identified; then, using an updated set of records within a specific time period, a second set of records are reviewed to determine if those records are compliant. If the results yield 100%, correction is verified. Correction must be made and verified within one year of the date the LSS/PA was first notified in writing of the noncompliance. Because Indicator 12 is a timeline requirement, the violation cannot be corrected. Therefore the State changes its first step in the verification process to determine if the evaluation was completed. The second step, reviewing records for adherence to timelines, is the same. This process is consistent with OSEP Memo 09-02.

When the MSDE issues a written finding of noncompliance to a LSS/PA, a corrective action plan (CAP) is required. The CAP is required to include actions and strategies designed by the LSS/PA to timely correct the area(s) of noncompliance. The first step in the corrective action plan is always to review policies and procedures to ensure compliance with requirements. Then, during the duration of the corrective action and prior to its completion, the MSDE will require the LSS/PA to collect data and conduct a random review of records to determine if correction of noncompliance has been achieved. During the period of correction the State monitors the progress of the LSS/PA. MSDE consultants visit the LSS/PA to determine if technical assistance is required, if policies and procedures are being revised (if necessary), and participate in the review of records with the LSS/PA to determine progress.

### Describe of the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009:

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State

When the MSDE issues a written finding of noncompliance to a LSS/PA, a corrective action plan (CAP) is required. The CAP is required to include actions and strategies designed by the LSS/PA to timely correct the area(s) of noncompliance. The first step in the corrective action plan is always to review policies and procedures to ensure compliance with requirements. Then, during the duration of the corrective action and prior to its completion, the MSDE will require the LSS/PA to collect data and conduct a random review of records to determine if correction of noncompliance has been achieved. During the period of correction the State monitors the progress of the LSS/PA. MSDE consultants visit the LSS/PA to determine if technical assistance is required, if policies and procedures are being revised (if necessary), and participate in the review of records with the LSS/PA to determine progress.

To verify correction made for findings made in FFY 2009, based on annual Indicator 12 data, the State used the records of the students where the noncompliance was first identified (Prong 1 review) and its quarterly data system for updated data (Prong 2 review). LSS/PAs are also expected to determine the impact of the delayed evaluation on the child to determine if compensatory services are due.

### Correction of Remaining FFY 2008 Findings of Noncompliance (if applicable)

There are no outstanding findings of noncompliance from FFY 2008 or earlier.

1. Number of remaining FFY 2008 findings noted in OSEP's June 2010 FFY 2009 APR response table for this indicator	0
2. Number of remaining FFY 2008 findings the State has verified as corrected	0
3. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	0

### Verification of Correction of Remaining FFY 2008 findings:

NA

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

NA

### Correction of Any Remaining Findings of Noncompliance from FFY 2007 or Earlier (if applicable)

*Provide information regarding correction using the same format table provided above.*

NA

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

Statement from the Response Table	State's Response
When reporting on the correction of noncompliance, the State must report in the FFY 2010 APR, that it has verified each LEA with noncompliance reflected in the FFY 2009 data.	Although the data indicate that IEPs were not implemented by the child's third birthday for each child, the State has verified in each jurisdiction where the data are less than 100% that appropriate policies, procedures, and practices are correctly implemented to reach the 100% target. In the LSSs/PAs that demonstrated less than 100% compliance, the MSDE has verified that the IEP was properly developed and implemented, although late. The State then reviewed updated records to ensure adherence to the timeline for IEP implementation.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

To provide ongoing technical assistance to local school systems, local Infants and Toddlers Programs (LITPs), and families the DSE/EIS engaged in the following activities:

- *A Family Guide to Next Steps: When Your Child in Early Intervention Turns 3*, was developed as part of a series of publications for families and providers. This publication focuses on the transition process, and includes required procedures and timelines within which transition activities must be completed.
- Division staff presented a session on early childhood transition to local Part C and Part B 619 program directors and coordinators, as part of the September 2010 Statewide Special Education and Early Intervention Leadership Conference.
- A "Q & A" resource document, along with detailed flow charts illustrating early childhood transition at various points within Maryland's birth through five system of services were developed and disseminated as a supporting resource to local program directors and coordinators: "transitional" transition at age 3 from early intervention to services through either the Extended IFSP Option or through an IEP, based on family choice; transition from the Extended IFSP Option to preschool special education services through an IEP anytime after age three, but prior to kindergarten age; and, transition at kindergarten age from an Extended IFSP to an IEP.

Joint monitoring activities continued to be implemented across the Division:

- The Preschool 619 Monitoring and Technical Assistance Specialist participated in focused monitoring in local school systems for Indicator 12 with the Office of Monitoring for Continuous Improvement and Results. Focused monitoring included random record reviews, review of data and other documentation, and interviews and discussion with staff regarding progress to date as well as ongoing challenges.
- Monitoring of local infants and toddlers programs and local school systems by the Part C Quality Assurance staff and the Preschool 619 Monitoring and Technical Assistance Specialist for jurisdictions with concurrent compliance issues for early childhood transition. Part C and Part B staff continued to work together to provide coordinated technical assistance, as identified through monitoring activities.

- Division data management and 619 program staff continued to work closely with local school system Part B data managers and preschool special education coordinators to ensure the integrity of the data reported for FFY 2010.
- The Division will continue to work with local school systems and local Infants and Toddlers Programs through focused monitoring activities to ensure compliance with this indicator.
- Statewide and local Early Childhood Transition data were reported publicly for all local school systems.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011:**

N/A The DSE/EIS reviewed the existing Improvement Activities and determined no revisions are necessary.

**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

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

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

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

**Measurement:**

Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.

**Actual Target Data for FFY 2010:**

FFY	Measurable and Rigorous Target
<b>FFY 2010 (2010-2011)</b>	<b>100%</b> of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

**Actual Target Data for FFY 2010: 95.27% Target Not Met**

The Local School Systems (LSS) report census data on a quarterly and annual basis to the Division of Special Education/Early Intervention Services (DSE/EIS) for the SPP/APR Indicator 13. The National Secondary Transition Technical Assistance Center (NSTTAC) Indicator 13 Checklist was used as the framework in the development of the data reporting form.

Districts with:

Year	Total number of youth aged 16 and above with an IEP	Total number of youth aged 16 and above with an IEP that meets the requirements	Percent of youth aged 16 and above with an IEP that meets the requirements
FFY 2010 (2010-2011)	21,733	20,706	95.27%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred in FFY 2010:**

Maryland experienced progress for FFY 2010. Maryland had a compliance rate of 95.27%. This demonstrates an improvement of 9.2 percentage points over FFY 2009 data of 86.1%. The lowest performing LSS improved from 44% compliance in FFY 2009 to 80% compliance in FFY 2010. The number of LSS that were 100% compliant increased from 15 in FFY 2009 to 20 in FFY 2010. Noncompliance continues to be an issue in the following areas:

1. Number of students who did not have appropriate post-secondary goals in Education/Training, Employment, and Independent Living as applicable. The issue is the use of appropriate language. The postsecondary goal must be stated as an outcome.
2. Evidence that a representative of any participating agency was invited to the IEP Team meeting. There is inconsistent documentation of the agency invitation.

The NSTTAC presented on *Indicator 13 Compliance* at the 2010 Maryland Special Education Leadership Conference on September 29, 2010.

The MSDE Transition Specialist worked with a group of Local Transition Coordinators to develop documentation strategies for the following:

- Referral of students to participating agencies; and
- Inviting a representative of a participating agency to the IEP Team meeting.

The new process for documenting the invitation of the agency representative to the IEP Team meeting will improve compliance. The new documentation will be included in the Maryland Online IEP in effect July 2011.

**Correction of FFY 2009 Findings of Noncompliance:**

Level of compliance (actual target data) State reported for FFY 2009 for this indicator: 86.1%

1. Number of findings of noncompliance the State made during FFY 2009 (the period from July 1, 2009 through June 30, 2010)	253
2. Number of FFY 2009 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	251
3. Number of FFY 2009 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	2



**Correction of FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):**

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	<b>2</b>
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>2</b>
6. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	<b>0</b>

**Actions Taken if Noncompliance Not Corrected:** N/A**Verification of Correction (either timely or subsequent):**

The MSDE staff and consultants verify that noncompliance is corrected, or completed if a timeline violation, for the individual students for whom the noncompliance was first identified (Prong 1) unless the child is no longer within the jurisdiction. Upon verification of correction for individual students, a review of updated records is conducted for students similarly situated, to ensure the correction has been extended to all students in the LSS/PA (Prong 2). The review is conducted within one year from the date of the written finding and may be conducted on-site and/or as a desk audit. Data that are reviewed includes policies and procedures, student's records, other related documentation, and data reports, as appropriate to the review. This review ensures the LSS/PA is properly implementing the regulatory requirement(s). Correction must be at the level of 100% to be considered compliant. These activities are consistent with the OSEP memo 09-02.

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

1. Number of remaining FFY 2007 findings noted in OSEP's June 2011 FFY 2009 APR response table for this indicator	<b>1</b>
2. Number of remaining FFY 2007 findings the State has verified as corrected	<b>1</b>
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	<b>0</b>

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

The MSDE staff and consultants verify that noncompliance is corrected, or completed if a timeline violation, for the individual students for whom the noncompliance was first identified (Prong 1) unless the child is no longer within the jurisdiction. Upon verification of correction for individual students, a review of updated records is conducted for students similarly situated, to ensure the correction has been extended to all students in the LSS/PA (Prong 2). The review is conducted within one year from the date of the written finding and may be conducted on-site and/or as a desk audit. Data that are reviewed includes policies and procedures, student's records, other related documentation, and data reports, as appropriate to the review. This review ensures the LSS/PA is properly implementing the regulatory requirement(s). Correction must be at the level of 100% to be considered compliant. These activities are consistent with the OSEP memo 09-02.

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

The above paragraph describes the verification *process* the State uses to verify correction. The intense level of oversight assigned to the local school system with a long standing record of noncompliance is the action the State took, under its' EMCIR process. This intensive level of oversight includes technical assistance; a review of policies and procedures and practices; a review, and assistance in staff training, if needed; and, an ongoing review of student records to ensure correction and compliance.

**Correction of Remaining FFY 2006 Findings of Noncompliance:**

1. Number of remaining FFY 2006 findings noted in OSEP's June 2011 FFY 2009 APR response table for this indicator	1
2. Number of remaining FFY 2006 findings the State has verified as corrected	1
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	0

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

The school system, with uncorrected noncompliance identified in FFY 2006, also had the level of oversight and monitoring increased to ensure progress toward correction, as described above. As a result, the corrective action was closed and the school system is in compliance with secondary transition regulations.

There are no remaining findings of noncompliance from FFY 2005 or earlier.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):**

N/A The DSE/EIS reviewed the existing Improvement Activities and determined no revisions are necessary.

## Part B State Annual Performance Report (APR) for FFY 2010

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

Please refer to the Overview, pages 1-3.

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

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

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

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

**Measurement:**

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

**Response Rate:**

Number of leavers in the State during school year 2009 - 2010	6887
Number of youth for whom data was exchanged	4320
Response Rate	62.73%

FFY	Measurable and Rigorous Target
<b>2010</b> <b>(using 2009 – 2010 data)</b>	A = 50% enrolled in higher education B = 73% enrolled in higher education or competitively employed C = 82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment

**Actual Targets:**

FFY	Data
<b>2010</b> <b>(using 2009 – 2010 data)</b>	A = 29.36% (2022) enrolled in higher education. <b>Target not met</b> B = 50.17% (3455) enrolled in higher education or competitively employed. <b>Target not met</b> C = 62.73% (4320) enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment <b>Target not met.</b>

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

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

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

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

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

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

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

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Data was collected on youth who exited during the 2009-2010 school year. These leavers are youth who left school by graduating with a regular high school diploma, exiting with a Maryland Certificate of Program Completion, aging out, left school early (i.e. dropped out).

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

### Data Calculations:

1	# of respondent leavers enrolled in higher education	2022
2	# of respondent leavers in competitive employment	1433
3	# of respondent leavers enrolled in some other postsecondary education or training	597
4	# of respondent leavers in some other employment	268

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

A = 1 divided by total Respondents

B = 1 + 2 divided by total respondents

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

Measurement	Percentage
A. Percent enrolled in higher education [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (#of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.	29.36%
B. Percent enrolled in higher education or competitively employed within one year of leaving high school + [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in high education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.	50.17%
C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment + [( # of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who were no longer in secondary school and had IEPs at the time they left school)] times 100.	62.73%

### Discussion of Data:

#### Disability Representation:

Disability	Target Leaver Representation	Engaged	% of Leavers
Intellectual Disability	526	518	98.47%
Emotional Disability	1116	96	8.60%
Autism	332	261	78.61%

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### Statewide Postsecondary Employment Data by Gender:

Gender	Number
Male	1001
Female	432
Total	1433

### By Disability

Disability	Number Youth Employed
Intellectual Disability	93
Hearing Impaired	7
Deaf	1
Speech/Language Impaired	50
Visually Impaired	3
Emotional Disability	143
Orthopedically Impaired	2
Other Health Impairment	247
Specific Learning Disability	835
Multiple Disability	18
Deaf/ Blind	0
Traumatic Brain Injury	4
Autism	30

### Statewide Postsecondary Education Data by Gender:

Gender	Number
Male	1280
Female	742
Total	2022

### By Disability

Disability	Number Youth Employed
Intellectual Disability	38
Hearing Impaired	16
Deaf	16
Speech/Language Impaired	117
Visually Impaired	16
Emotional Disability	169
Orthopedically Impaired	10
Other Health Impairment	356
Specific Learning Disability	1106
Multiple Disability	22
Deaf/ Blind	0
Traumatic Brain Injury	16
Autism	140

**Other Postsecondary Employment and/or Training**

Apprenticeships	0
Supported Employment	865
Total	865
<b>Type of Activity</b>	<b>Number Youth Enrolled</b>
Training for Supported Employment	597
Supported Employment	268
Apprenticeship	0

**Not Engaged:**

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

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

Maryland was not able to gather data on **2657** youth who exited during the 2009-2010 school year. This is **37.27%** of all youth who exited during that school year. These youth may not be engaged in any meaningful activity, may be living and working in a state outside of the DLLR catchment region, taking non-credit college courses, or auditing college courses.

**Wave 4 Report from the Maryland Longitudinal Transition Study, *The Post-High School Outcomes of Maryland's Young Adults With Disabilities Up to 6 Years After High School*:**

The Maryland Longitudinal Transition Study (MDLTS) is a ten year study, modeled after the National Longitudinal Transition Study – 2 (NLTS2), of the characteristics, experiences, and outcomes of a sample of youth with disabilities representative of those in Maryland who were 13 to 16 years old and receiving special education services in grade 7 and above on December 1, 2000. The Wave 4 report focuses on the subset of Maryland youth with disabilities who were out of secondary school and 19 to 23 years old when Wave 4 data were collected in 2007. Much of the information comes from the young adults with disabilities themselves. Information was reported by the parents of the participants when the young adults could or would not report. There were 476 (100%) sample members who provided information for the report.

All data was self or parent reported. The purpose of the report is descriptive. The descriptions provided in this document concern the post-high school experiences of young adults with disabilities. No attempt is made to “validate” respondents’ reports with information on their understanding of the survey items or with third-party information on their experiences (e.g., from employers or postsecondary institutions). For this reason the data contained in this report was not used in the data section of Indicator 14.

**Postsecondary Education:**

65% of the respondents reported that “since leaving high school they have taken any classes from a postsecondary school.” 25% reported that “they were going to postsecondary school at the time of the interview”. A summary of the data showed:

Type of School Attended

- 46.6% who attended postsecondary school at any time since leaving high school, attended a 2 year or community college.
- 27% attended a 4 year college.

Course of Study

- 59.2% had an academic focus in their course of study.
- 27.1% had a vocational focus in their course of study.

Personal View of Disability

- 50.7% did not consider self to have a disability.
- 30.6% considered self to have a disability and had informed school of disability before enrollment.
- 8.5% considered self to have a disability and had informed school of disability after enrollment.

Types of Accommodations Received

- Additional time for test
- Technology
- Additional time for/modified assignments
- Note takers
- Test settings
- Tutor
- 11 other accommodations

Postsecondary Credits Earned

- Average number of credits earned at a 2 year school = 23.4
- Average number of credits earned at a 4 year school = 57.1
- Graduated from or completed a program from any postsecondary school = 39.7%

**Employment:**

At the time of the 2007 Wave 4 interviews 74% (325 respondents) of Maryland youth with disabilities who had been out of school for up to 6 years were employed. About 93% (401 respondents) had been employed at some point since leaving high school. A summary of the data showed:

Duration of Employment

- The average duration of employment for young adults with disabilities is 15.2 months.

Types of Jobs

- 14% worked in food preparation and serving-related occupations.
- 18% worked in sales and related occupations.
- 10% worked in office and administrative support occupations.
- 8% worked in buildings and ground cleaning and maintenance occupations.
- 8% worked in construction.
- 7% in personal care.
- 7% in service categories.
- 9% in other categories.

Hours worked

- The average hours worked per week for young adults with disabilities was 35.1 for full time and 15 to 20 hours per week for part time employees.



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### Wages

- Average wage over the 6 year reporting time was \$10.80.
- 5% of respondents were paid less than minimum wage.

### **Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 *[If applicable]***

Improvement Activities	Timelines	Resources	Justification
<p>To improve the number of youth with intellectual and developmental disabilities who enroll in higher education, the MSDE will collaborate with the Maryland Department of Disabilities (MD-DOD), The Interagency Transition Council (ITC), The Maryland High Education Council (MHEC) to improve the distribution of information on available appropriate postsecondary education opportunities:</p> <ol style="list-style-type: none"> <li>1. A fact sheet will be developed on available postsecondary educational opportunities.</li> <li>2. Professional development will be provided to transition coordinators on postsecondary education opportunities.</li> <li>3. Representatives from postsecondary education institutions will be invited to present at transition information sharing activities.</li> </ol> <p><b>REVISED</b></p>	<p>Spring, 2013</p> <p>Beginning in September, 2011 and ongoing through June 30, 2013</p> <p>Beginning in September, 2011 and ongoing through June 30, 2013</p>	<p>MD-DOD in partnership with MSDE</p> <p>MSDE Local School Systems</p> <p>Local Community Colleges Local School Systems MHEC</p>	<p>The completion date has been changed from Spring 2011 to Spring 2013. Additional time is needed to produce a document that contains the most current information needed.</p> <p>This activity continues on an ongoing basis.</p> <p>The Maryland Steering Committee on Students with Disabilities and College and Career Readiness will continue working with the Maryland Higher Education Commission to develop a presentation that can be given at the 2012 Interagency Transition Council Conference.</p>

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Improvement Activities	Timelines	Resources	Justification
<p>To improve data collection on the youth not captured by the administrative record exchange, MSDE will work with NPSO center through the Intensive Technical Assistance Agreements. Specific strategies will be developed.</p> <p>MSDE will also work with the Division of Rehabilitation Services (DORS) and the Developmental Disabilities Administration (DDA) to develop strategies to address the different definitions for employment.</p> <p><b>REVISED</b></p>	<p>July 1, 2011 through June 30, 2013.</p>	<p>MSDE and NPSO Center, DORS, and DDA</p>	<p>DSE/EIS has to work with our partner agencies to address the differences in the definition of employment. The OSEP definition requires that an individual be employed for a minimum of 90 days. OSER does not have that requirement. If a solution can be found Maryland will be able to report a higher number of individuals in Indicator 14 Measurement B.</p>

**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

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

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

**Measurement:**

Percent of noncompliance corrected within one year of identification:

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

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

States are required to use the "Indicator 15 Worksheet" to report data for this indicator

(see Attachment).

FFY	Measurable and Rigorous Target
<b>FFY 2010 (2010-2011)</b>	100% of noncompliance corrected within one year of identification

**Actual Target Data for FFY 2010:** 97.51% (706÷724) Target Not Met

The MSDE identified 724 findings of noncompliance. Of these 706 were corrected and verified within one year of identification. These findings include findings of noncompliance identified through complaint investigations, due process hearings, and monitoring activities. System, school, and student specific corrections are reported.

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## Indicator B Worksheet; also included as Attachment A

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma.  2. Percent of youth with IEPs dropping out of high school.  14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school or training program, or both, within one year of leaving high school.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other  Dispute Resolution: Complaints, Hearings			
3. Participation and performance of children with disabilities on statewide assessments.  7. Percent of preschool children with IEPs who demonstrated improved outcomes.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other  Dispute Resolution: Complaints, Hearings			
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.  4B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other  Dispute Resolution: Complaints, Hearings	1	1	0

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Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.				
5. Percent of children with IEPs aged 6 through 21 -educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	12	121	117
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution: Complaints, Hearings			
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Dispute Resolution: Complaints, Hearings			
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	17	21	21
	Dispute Resolution: Complaints, Hearings	4	5	5
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who	Monitoring Activities: Self-Assessment/ Local APR, Data	2	2	2

# APR Template – Part B (4)

MARYLAND

State

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
have an IEP developed and implemented by their third birthdays.	Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition service needs.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	9	253	251
	Dispute Resolution: Complaints, Hearings	1	5	5
Other areas of noncompliance:  General Supervision	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	10	20	18
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:  Indicator 20 – timely and accurate data	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	2	2	2
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:  Indicator 5 LRE related requirements	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	18	133	127

# APR Template – Part B (4)

MARYLAND  
State

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2009 (7/1/09 to 6/30/10)	(a) # of Findings of noncompliance identified in FFY 2009 (7/1/09 to 6/30/10)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
Other areas of noncompliance: Discipline, related requirements	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	4	129	127
	Dispute Resolution: Complaints, Hearings	5	16	15
Other areas of noncompliance: COMAR Behavior Intervention	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	6	8	7
Other areas of noncompliance: Records	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings	3	9	9
<b>Sum the numbers down Column a and Column b</b>			<b>724</b>	<b>706</b>
<b>Percent of noncompliance corrected within one year of identification</b>  <b>(column (b) sum divided by column (a) sum) times 100.</b>			<b>(b) / (a) X 100 =</b>	<b>97.51%</b>

## Describe the process for selecting LEAs for Monitoring:

The State's process for selecting Local School Systems/Public Agencies (LSSs/PAs) for monitoring is based on the State's system of general supervision under *Monitoring for Continuous Improvement and Results*. The State classifies its monitoring into four components, each having a specific purpose and timeline for implementation. The components of monitoring for continuous improvement are: a Self-Assessment Verification (review of annual data) conducted annually; Focused Monitoring (yearly, as needed); Comprehensive Monitoring (once every 6 years); and, Enhanced Monitoring for Continuous Improvement and Results (continuous).

The purpose of Self-Assessment Verification is to verify the accuracy of the annual compliance indicator data submitted to the MSDE by LSSs/PAs. Data reported as 100% is verified as accurately reported. For LSS/PAs reporting data less than 100% compliance, verification of correction of noncompliance is made whether at the system or student level, or both. The State reviews the accuracy of the data by examining student records, documentation of acceptable reasons for delay (i.e. Indicators 11 and 12), policy/procedure documents, as appropriate, and ensures that the indicator requirement has been completed for timeline violations (unless the student is no longer within the jurisdiction of the LSS/PA or the parent has withdrawn consent). This process is implemented in each LSS/PA in the State on an annual basis.

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

*Comprehensive Monitoring* is broad-based, cyclical, and designed to ensure implementation of special education regulations are implemented in accordance with the IDEA and the State's Code of Maryland Regulations (COMAR) requirements. Monitoring involves a review of policies, procedures and practices not related to indicators (these are reviewed under Self-Assessment Verification), student records, general supervision practices. Comprehensive monitoring is scheduled for each LSS/PA at least once every six years or earlier, if needed. The State has an established a monitoring schedule that serves to notify the LSS/PAs when such a monitoring will occur. At the end of each year, the schedule is reviewed to determine if any changes are necessary.

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

#### **Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2010:**

Improvement in the State's system of general supervision processes, data collection and use have resulted in an improved rate of timely correction of noncompliance since FFY 2004. The State continues to implement past improvement processes and procedures that have been integrated into the State's system of general supervision and are now part of daily practice. As a result, the State's system of general supervision is designed to identify and correct noncompliance in a manner that is consistent with the OSEP requirements, including OSEP Memo 09 – 02.

The State implemented improvement activities during this reporting period that included: technical assistance to develop and improve general supervisory systems in LSS; State general supervisory coordination meetings that focus on progress monitoring for public agencies with continuing uncorrected noncompliance; small group, geographically based, staff development meetings for public agencies are held to address self-monitoring procedures to internally identify and correct noncompliance; and, ongoing consultant training is conducted annually and as needed to increase inter-rater reliability. As a result of these activities the State has a more effective and efficient system of general supervision. Increasingly, public agencies are increasing their capacity to identify and correct noncompliance in a timely manner.



For this reporting period, however, the overall percentage of correction of 97.51% is less than the previous year of 99.57%. This is the result of increased and refined monitoring activities that have had an impact on the number of findings of noncompliance and the delay of verification by the State. This slippage is viewed as temporary and correctable by the State.

**Timely Correction of FFY 2009 Findings of Noncompliance (corrected within one year from identification of the noncompliance):**

1. Number of findings of noncompliance the State identified in FFY 2009 (the period from July 1, 2009 through June 30, 2010) (Sum of Column a on the Indicator B15 Worksheet)	<b>724</b>
2. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	<b>706</b>
3. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	<b>18</b>

**FFY 2009 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):**

4. Number of FFY 2009 findings not timely corrected (same as the number from (3) above)	<b>18</b>
5. Number of FFY 2009 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	<b>17</b>
6. Number of FFY 2009 findings <u>not</u> yet verified as corrected [(4) minus (5)]	<b>1</b>

**Actions Taken if Noncompliance Not Corrected**

The LSS where the systemic finding, made through the State's data system and based on the suspension of students with disabilities compared to nondisabled peers, has entered its second year of correction. During the first year of correction, the school system received technical assistance from the State and was informed of sources of technical assistance. Periodic reviews of data were conducted to determine if the corrective action could be closed.

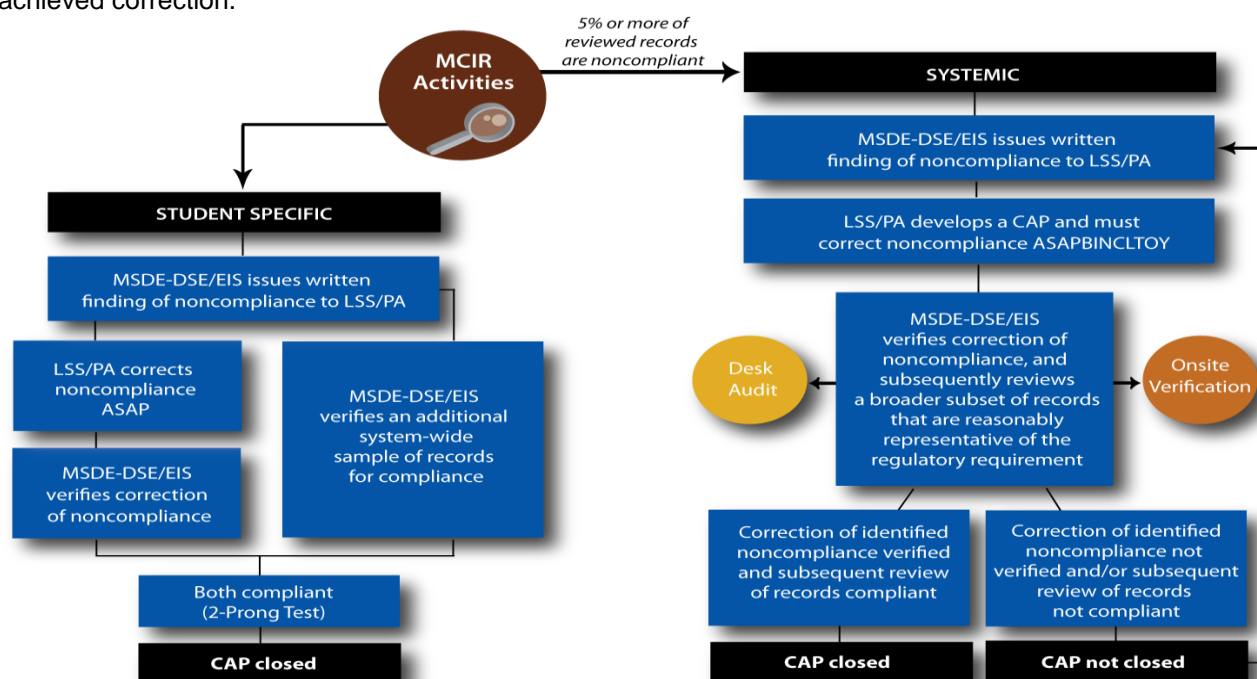
Failing correction after the first year of noncompliance, the State increased its level of technical assistance in the LSS/PA and has required a revised corrective action plan. The MSDE assigned a consultant to meet with the school system to review updated data and results of actions completed. Activities include a periodic review of data and staff development supported by MSDE staff. The school system is also required to summarize data and to report to the State according to specific timelines established in the corrective action plan.

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

The MSDE verifies the correction of findings of noncompliance made as a result of implementation of its general supervision system. The system includes, but is not limited to findings made during desk-audit or onsite monitoring activities, Self-Assessment/APR data review, record review, State complaints, or due process hearings. Upon making a finding of data-based, systemic, school, or individual student noncompliance, the LSS/PA is notified of the finding that includes the citation, the level of noncompliance identified and of the requirement for correction (100%) as soon as possible, but in no case later than one

year from the date of the written notification by the State. Upon notification of noncompliance by the State, the LSS/PA must prepare a corrective plan. During the first year of correction activities, technical assistance is provided to the LSS/PA to: review and revise policies, procedures and practices (as needed); provide staff development; implement periodic reviews of student records to verify progress toward correction; and, report on the results of corrective activities. Correction is evaluated at the student, school or system level as required by the corrective action plan.

To verify correction of noncompliance identified through monitoring activities, the MSDE uses on-site or desk audit methods. Verification of correction of noncompliance is a two prong process. First (Prong 1), in each jurisdiction where findings of noncompliance are made, the MSDE verifies that the records of the students where the noncompliance was first identified were corrected, unless the child is no longer within the jurisdiction or the parent has withdrawn consent. Then (Prong 2), using updated data from a specified a period of time, a random selection of records are reviewed to determine if the specific regulatory requirement(s) is correctly implemented in those records. Consistent with OSEP Memo 09-02, verification procedures must demonstrate the LSS/PA is properly implementing the regulatory requirement(s) at 100% during Prong 1 and 2 activities to close the corrective action and to have achieved correction.



**Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2009 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):**

An enhancement to comprehensive and focused monitoring has been implemented during the reporting period that requires local education agencies to conduct a self-review of student records prior to the State review. The locals use the data from this activity to self-identify and correct noncompliance, plan targeted staff development, and require staff to correct noncompliance in the records of other students. The MSDE verifies a sample of the records first reviewed by the LSS/PA to ensure the same standard to determine compliance is applied. Then the MSDE applies Prong 2, reviewing an additional sample of records, to ensure those records are compliant.

If findings are issued, and prior to verification activities, the State provides technical assistance tailored to the identified area of noncompliance; first, by ensuring policies and procedures are consistent with the requirement; reviewing implementation procedures; providing support for staff development, as

necessary; and, finally by reviewing student records and other documents to ensure there is documented evidence of correction. As a part of the process, the MSDE works with the LSS/PAs to identify root causes and to periodically monitor data to ensure progress is being made. These practices, along with increased oversight and data collection, have enabled the State to improve its rate of correction.

To verify correction made for findings made in FFY 2009 based on annual Indicators 11, 12, and 13 data, the State used its quarterly data system. In LSS/PAs where the annual data indicate 100% compliance as reported by the LSS/PA in its *Self-Assessment* document submitted to the MSDE, the MSDE schedules a *Self-Assessment Verification* review. The purpose of the review is to verify the data are accurate and can be used for making a determination status. For LSS/PAs that reported noncompliant data, the *Self-Assessment* is submitted with a corrective action plan. As the plan's activities are completed, the State verifies correction in each jurisdiction where findings of noncompliance were made using its two prong verification process, as described above. Each review must result in 100% compliance to be considered corrected.

Other areas of noncompliance, as identified through the State's comprehensive or focused monitoring, require verification of correction using the same 2 prong process. Depending on the status of progress toward correction, the MSDE may initiate additional correction activities. Such actions include: increased technical assistance, identification of root causes of the noncompliance, assistance in conducting correction activities and assignment of an MSDE consultant to guide the process.

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

Actions taken if noncompliance is not corrected include more intensive oversight by the MSDE. This includes the identification of root causes of the noncompliance; assistance in the revision and preparation of the corrective action plan; identifying a schedule for data collection; more frequent reporting to the MSDE; assignment of an MSDE consultant to oversee and report on correction activities; and, participation in multiple meetings with the MSDE staff to ensure progress.

For this reporting period, as in past reporting periods, enforcements are applied to one local school system with a long standing record of noncompliance has been assigned an intensive level of oversight and monitoring by the MSDE. The MSDE has four staff members assigned to the school system on a regular basis. Three work at the Department and one works within the school system. Their duties include working with the school staff, reviewing updated data, and monitoring. This team also ensures student specific corrections are made as the system works to ensure policies and procedures are implemented system-wide. An MSDE team, chaired by the Assistant State Superintendent, Division of Special Education/Early Intervention Services, meets regularly with State staff and others to review the school system's progress or slippage and recommend additional strategies, if needed. Enforcement actions also include required targeted use of funds.

#### **Correction of Remaining FFY 2008 Findings of Noncompliance**

If the State reported <100% for this indicator in its FFY 2009 APR and did not report that the remaining FFY 2008 findings were subsequently corrected, provide the information below:

1. Number of remaining FFY 2008 findings noted in OSEP's FFY 2009 APR response table for this indicator	1
2. Number of remaining FFY 2008 findings the State has verified as corrected	0
3. Number of remaining FFY 2008 findings the State has NOT verified as corrected [(1) minus (2)]	1

The FFY 2008 finding of noncompliance that was not corrected within one year (as reported in the FFY 2009 APR) addresses discipline in a large school system. This finding of noncompliance remains uncorrected.

To support this LSS, corrective action plans are reviewed and revised, as necessary, to support continued improvements. The MSDE staff provides focused technical assistance. Data are reported and reviewed and reported quarterly. The LSS has been required to designate funds to address this continuing noncompliance. The focus of the MSDE's monitoring activities and focused technical assistance includes activities to ensure improvement toward the correction of noncompliance and that the system of general supervision is implemented to support continued progress toward the required targets.

This LSS has been given the determination status of "Needs Intervention." As a result of this determination status, designated MSDE staff meets with school system staff on a monthly basis. Other enforcement activities continue in the form of intensive oversight that includes dedicated MSDE consultant staff to provide technical assistance to school system personnel and implement frequent monitoring reviews. These reviews are conducted to prevent slippage and to ensure compliance becomes part of the everyday practices of the school system. The Assistant State Superintendent, Division of Special Education/Early Intervention Services conducts regularly scheduled reviews with an MSDE workgroup to coordinate activities and monitor progress.

During this reporting period, the MSDE conducted a comprehensive monitoring and, as part of this activity, requirements related to discipline were reviewed for correction of noncompliance. As a result of this review, the corrective action plan was reviewed and revised. The LSS is working toward identifying root causes and barriers through collaboration with other school system departments and local school level accountability. Current progress data indicate improvement in implementation of the procedural requirements related to disciplinary removal of students with disabilities. However, 100% compliance with all related regulatory requirements has not been verified.

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

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

The State has verified that the remaining FFY 2007 corrective action that was reported in the FFY 2009 APR is corrected. This action addressed secondary transition in a large school system.

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

1. Number of remaining FFY 2006 findings noted in OSEP's FFY 2007 APR response table for this indicator	4
2. Number of remaining FFY 2006 findings the State has verified as corrected	2
3. Number of remaining FFY 2006 findings the State has NOT verified as corrected [(1) minus (2)]	2

The State has verified that the one FFY 2006 corrective action that was reported in the FFY 2009 APR is corrected. This action addressed secondary transition in a large school system. The State has also

verified that a FFY 2005 corrective action that was reported in FFY 2009 was corrected. This action was related to data.

The remaining two areas of uncorrected noncompliance from FFY 2005 relate to discipline and LRE. These uncorrected findings are in the large LSS that is under the Settlement Agreement (formerly the Consent Decree). Designated MSDE staff meets with school system staff on a monthly basis. The State continues to conduct frequent reviews to monitor progress toward the target, prevent slippage and to ensure compliance becomes part of the everyday practices of the school system. The Assistant State Superintendent of Special Education conducts regularly scheduled reviews of progress with an MSDE workgroup. Other enforcement activities continue in the form of intensive oversight that includes on-site staff and dedicated MSDE staff to provide technical assistance to school system personnel and implement the enhanced and frequent monitoring reviews. The MSDE also requires frequent data reporting by the LSS to monitor the status of uncorrected noncompliance. Based on the State's verification of data reported in 2007-2008 through 2010-2011 and results of the EMCIR activities, the school system demonstrated a positive change from 46.6% to  $\geq 95\%$  in compliance for requirements related to discipline for students accumulating greater than 10 schools days of removal and 99% compliance for students removed for 10 consecutive days of removal. The results of verification activities for LRE data and LRE decision making reported in 2007-2008 through 2010-2011 indicate improvement from 89.64% to 99.11% compliance for related requirements. While the State and school system acknowledge progress that has been made, challenges still continue that are driven by size, staff turnover, changes to the structure of the school system and the focus on improvement in student achievement and reducing the drop-out rate.

The activities have resulted in two long standing corrective actions were completed and progress on the remaining areas of noncompliance is being made. **Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):**

Statement from the Response Table	State's Response
The State must demonstrate in the FFY 2010 APR, that the remaining one finding of noncompliance identified in:	
<ul style="list-style-type: none"> <li>FFY 2008, that were not reported as corrected in the FFY 2009 APR were corrected.</li> </ul>	<ul style="list-style-type: none"> <li>This finding was not closed and correction activities are detailed in the section: <i>Correction of Remaining FFY 2008 Findings of Noncompliance</i></li> </ul>
<ul style="list-style-type: none"> <li>FFY 2007, that were not reported as corrected in the FFY 2009 APR were corrected.</li> </ul>	<ul style="list-style-type: none"> <li>This finding was verified as corrected.</li> </ul>
FFY 2006, that were not reported as corrected in the FFY 2009 APR were corrected	<ul style="list-style-type: none"> <li>This finding was verified as corrected.</li> </ul>
The State must demonstrate in the FFY 2010 APR, that the remaining three findings of noncompliance identified in: <ul style="list-style-type: none"> <li>FFY 2005, that were not reported as corrected in the FFY 2009 APR were corrected.</li> </ul>	<ul style="list-style-type: none"> <li>The State verified correction with the long standing noncompliance relating to data.</li> <li>Two findings remain uncorrected. Progress toward the target continues and is reported in the narrative; however, the required 100% target has not been met.</li> </ul>
In responding to Indicators 11, 12 and 13 in the FFY 2009 APR, the State must report on correction of noncompliance described in this table under those indicators.	Refer to specific indicator reports.
The State must use the Indicator 15 worksheet.	The indicator 15 worksheet is embedded in the Indicator response in this APR document.

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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011 (if applicable):

Improvement Activities	Timeline	Resources	Justification
The State's technical assistance activities to LSS/PAs will focus on general supervision procedures and practices to identify and correct noncompliance in a timely manner. <b>REVISED</b>	July 2010 through June 30, 2013	Office of QAM CIDP Branch Other DSE staff	Assist LSS/PAs staff to implement procedures to maintain a knowledgeable staff, reduce findings of noncompliance and timely correct noncompliance.
General supervisory coordination meetings will focus on progress monitoring for school systems with continuing uncorrected noncompliance. <b>REVISED</b>	July 2010 through June 30, 2013	Office of the Assistant State Superintendent and designated staff	Data collection and reporting must be focused on progress toward 100% correction of noncompliance.
Small group, geographically based, LSS/PA staff development meetings will be held to address self-monitoring procedures to identify and correct noncompliance. <b>NEW</b>	July 2010 through June 30, 2013	Office of QAM	Increasing proficiency in the implementation of self-monitoring activities for LSS/PAs will ensure uniformity in monitoring practices.
Consultant training will be conducted annually and as needed to increase inter-rater reliability. <b>REVISED</b>	July 2010 through June 30, 2013	Office of QAM	Uniform monitoring practices ensure data collection procedures are consistent.

**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

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

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

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

FFY	Measurable and Rigorous Target
<b>FFY 2010 (2010 – 2011)</b>	100% of all complaint investigations are completed within the required timelines.

**Actual Target Data for FFY 2010: 100% - Target Met.**

The MSDE has continued to achieve 100% compliance as all 107 of the written, signed complaints that were filed were completed within the required timelines.  
Please refer to attached Table 7.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

The MSDE continues to implement all current improvement activities identified in the State Performance Plan. These include ongoing efforts to recruit and retain qualified staff and continued emphasis on and participation in professional development activities.

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

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

The MSDE accessed technical assistance from the following resources:

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

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- Mid-South Regional Resource Center(MSRRC);
- OSEP Technical Assistance(TA) calls;
- LRP conference calls that address legal issues in special education;
- LRP publications, including *Special Education Connection*; and
- Resources from other state agencies.

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

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011:**

N/A



## Part B State Annual Performance Report (APR) for FFY 2010

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

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

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

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

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

FFY	Measurable and Rigorous Target
FFY 2010 (2010 – 2011)	100% of all due process hearings are completed within the required timelines.

**Actual Target Data for FFY 2010: 100% - Target Met**

MSDE achieved 100% compliance. During this reporting period, there were 25 due process hearing complaints that were fully adjudicated. All of these fully adjudicated due process hearing complaints had decisions issued within the 45-day timeline, or within a timeline that was properly extended by the hearing officer.

Please refer to attached Table 7.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

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

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

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

Information obtained through technical assistance resources included the following:

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

- OSEP National Accountability and Leadership Conferences;
- CADRE resources;
- Mid-South Regional Resource Center;
- OSEP Technical Assistance calls;
- LRP conference calls that address legal issues in special education;
- LRP publications, including *Special Education Connection*; and
- Resources from other state agencies.

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

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011:**

N/A

## Part B State Annual Performance Report (APR) for FFY 2010

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

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

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

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

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

FFY	Measurable and Rigorous Target
<b>FFY 2010 (2010 – 2011)</b>	64 – 75% of all resolution meetings conducted will result in a settlement agreement

**Actual Target Data for FFY 2010: 64.2% - Target Met.**

MSDE reports that it has continued to meet this target. Of the 112 resolution meetings that were held, 72 resulted in a settlement agreement.

Please refer to attached Table 7.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

MSDE has implemented the improvement activities identified in the State Performance Plan (SPP). MSDE continues to support the use of resolution meetings as an effective means of resolving disputes prior to a due process hearing. In order to support public agencies' implementation of this process, MSDE has provided ongoing technical assistance to public agency personnel.

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

Information obtained through technical assistance resources included the following:

- *IDEA Building the Legacy* website including resources, links, and topical briefs;
- OSEP National Accountability and Leadership Conferences;
- CADRE resources;
- Mid-South Regional Resource Center(MSRRRC);
- OSEP Technical Assistance(TA) calls;
- LRP conference calls that address legal issues in special education;
- LRP publications, including *Special Education Connection*; and

- Resources from other state agencies.

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

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines /  
Resources for FFY 2011:**

N/A

**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Effective General Supervision Part B / General Supervision**

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

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

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

FFY	Measurable and Rigorous Target
<b>FFY 2010 (2010 – 2011)</b>	Maintain 75 – 85% rate of mediations that result in mediation agreements.

**Actual Target Data for FFY 2010: 77.6% - Target Met**

The MSDE reports that it has met this target. Of the 139 mediations that were held, 108 resulted in mediation agreements.

Please refer to attached Table 7.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

The MSDE has implemented the improvement activities stated in the State Performance Plan (SPP). These include regular data review with Office of Administrative Hearings (OAH) staff, support for staff development and mediator training. The MSDE will continue to implement these activities in order to meet the target and support continued improvement.

The MSDE is also utilizing a mediation survey for participants in the mediation process. The information gathered from these surveys has been reviewed and continues to assist in identifying and addressing barriers that may impact the reaching of agreements.

The MSDE continues to promote the use of mediation while recognizing that not all mediations will result in a mediation agreement.

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

The MSDE accessed the following technical assistance information:

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

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- OSEP National Accountability and Leadership Conferences;
- CADRE resources;
- Mid-South Regional Resource Center (MSRRC);
- OSEP Technical Assistance (TA) calls;
- LRP conference calls that address legal issues in special education;
- LRP publications, including *Special Education Connection*; and
- Resources from other state agencies.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2011:**

N/A

**Part B State Annual Performance Report (APR) for FFY 2010****Overview of the Annual Performance Report Development:**

Please refer to the Overview, pages 1-3.

**Monitoring Priority: Effective General Supervision Part B / General Supervision****Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

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

**Measurement:**

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

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

States are required to use the "Indicator 20 Scoring Rubric" for reporting data for this indicator (see Attachment 4).

FFY	Measurable and Rigorous Target
<b>FFY 2010 (2010-2011)</b>	100% of State reported Section 618 data and annual performance reports, are accurate and submitted on or before due dates.

**Actual Target Data for FFY 2010:** 100% - Target Met

The goal remains 100% of State reported Section 618 data and annual performance reports, are accurate and submitted on or before due dates. Please refer to Attachment 4 – Indicator 20 Scoring Rubric.  
Submission of Section 618 Data

Name of Report	Date Due	Date Submitted	Flags	Response to Flags
Table 1 Child Count EDFacts*	2/2/11	1/31/11	Yes	Year to year explanation submitted 8/5/11
Table 2 Personnel EDFacts	11/2/11	10/12/11	NA	NA

Name of Report	Date Due	Date Submitted	Flags	Response to Flags
Table 3 least restrictive environment EDFacts*	2/2/11	1/31/11	No data notes requested	NA
Table 4 Exit EDFacts	11/2/11	10/12/11	NA	NA
Table 5 Discipline EDFacts	11/2/11	10/20/11	NA	NA
Table 6 Assessment EDFacts	12/15/11	NA	NA	NA
Table 7 Dispute Resolution DTS Form	11/2/11	10/27/11	NA	NA
Table 8 Maintenance of Effort/CEIS	5/1/11	NA	NA	NA

\*Data Accountability Center (DAC) followed up on the Child Count EDFacts files by contacting the MSDE regarding discrepancy between reported and computed totals for 3 yr olds and Developmental Delay.

\*DAC followed up on the Environments EDFacts files by contacting the MSDE regarding discrepancies between reported and computed totals for 3-5 year olds under R/Ethnicity, Gender and LEP status

The MSDE was timely in all data submissions and accurate in six out of eight submissions. Due to a change in local school system infrastructure of service delivery model for three year olds, it was necessary for the MSDE to manually combine data files from two separate databases for the EDFacts submission. The manual process created an error where the disaggregated totals for three, four, and five year olds, respectively, did not match the grand total of three to five year olds. The file with edit errors, Child Count and Environments, was immediately revised and resubmitted to the EDFacts. The Child Count and Environments file was originally submitted on 1/31/11. The MSDE resubmitted the file on 2/15/11. The DAC reviewed the 2/15/11 submission and agreed the edit errors had been corrected. Due to the data inaccuracies that occurred from the manual process, the MSDE revised the file editing and submission process it uses with the vendor that creates the files. To assure complete and accurate data submissions, the following processes were implemented:

- Timelines with the vendor were adjusted to allow the MSDE ample time to verify the accuracy of the data before they are submitted to the EDFacts.
- A report is provided by the vendor that allows the MSDE to populate and compare the DTS with the EDFacts files for completeness and accuracy prior to the EDFacts submission.
- The vendor cross-checks totals before submitting the files to the MSDE.
- More lead time for creation of files in order to do additional auditing prior to submission. This process involves shutting down the database at a point in time and creating a snapshot of the official child count data. Annually the MSDE provides local school systems with a calendar that indicates the dates that the database will be shut down so that federal files can be prepared. local school systems know that corrections to data must take place before the cut off dates.
- As of the February 2013 child count submission, the data collection will be completely electronic and it should no longer be necessary to manually combine the files for the EDFacts submission.



**State Data System**

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

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

- Maryland School Assessment (MSA) data relative to content areas, grade, and type of assessment in relationship to least restrictive environment data on students with disabilities. At present the MSDE is testing the ability to match the Division's Special Services Information System data collection on students with disabilities (which generates least restrictive environment data) with the MSA data collection system. The links are presently based on several logarithms and direct matches and student identifiers. Links are also being tested using Unique Student Identification number.
- Report of student participation and performance in statewide assessments under the NCLB.
- Comparison of Section 618 data on students with disabilities exiting special education to general education data collections as compared to the number of students with disabilities exiting as high school graduates and dropouts. This process will be used to check the validity of data reported in Indicator 2.
- Linkage of data from the Maryland Infants and Toddlers Program data collection on children, birth to three years old, to Special Services Information System for students with disabilities, ages three through 21 years old. The MSDE will also be able to link students with the extended IFSP option with students in Part B.

Department of Juvenile Services (DJS), Adult Correction Education (ACE), and Maryland State Department of Education Juvenile Services Education (MSDE/JSE) have overcome their security issues and have begun utilizing the Maryland Statewide Online IEP system.

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

Nineteen local school systems and five public agencies utilizing the Maryland Statewide Online IEP system have data transmitted nightly to the Special Services Information System (SSIS). Five local school systems are utilizing vendor supported IEP development systems to aggregate data for electronic file transfers quarterly to an MSDE secure server for web-based data submission of the annual child count, census data, and exit data. Personnel data continue to be collected annually in Excel spreadsheets. Quarterly, the MSDE collects child count, exit count, Indicators 11, 12, and 13 data from local school systems/public agencies.

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

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

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

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

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

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

- Upon receipt of the Special Services Information System data, each record is edited to be certain that the record is complete and valid codes have been used.
- The MSDE generates a report of the total count of active or exited students (October and June collections, respectively) for each local school system/public agency.
- Each local school system/public agency data manager receives a copy of the report for review and verification.
- In the event that discrepancies are found, the local school system/public agency makes corrections and resubmits the entire file or utilizes the option to correct and resubmit error

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

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

- The MSDE regularly revises the Special Services Information System Manual according to State and/or Federal regulations. The Manual is distributed at Data Manager Meetings, placed on the MSDE web site, and is also sent to each local school system/public agency electronically.
- The MSDE produces the Census Publication and Related Tables from the data system which contains multiple tables and is posted on the MSDE web site. An additional internal report produced is the 5% Analysis Report which highlights any local school system/public agency with 5% or more population increases or decreases.
- The MSDE uses the DAC Verification Reports to flag large changes in the data. Data are disaggregated to determine which local school system/public agency is involved. When disaggregated data are suspect, the MSDE contacts the local director of special education. Directors of special education and MSDE staff work together to validate the data. The local school system/public agency provides the MSDE the reasons for large changes in data and that information is analyzed at the MSDE and provided to the DAC.

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

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

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

The alignment between Department policy and the use of data is evident. The MSDE has a history of providing accurate student level data on public school students, including students with disabilities. The MSDE has provided accurate and timely data to the OSEP and the DAC and has responded within

timelines to the DAC's data validation process comparing significant year-to-year changes in data collections.

Each local school system/public agency reported all required special education data for FFY 2010 (July 1, 2010 – June 30, 2011). The submission dates were within the OSEP timeline requirements. The MSDE will continue to provide technical assistance to local school systems and public agencies to facilitate timely and accurate data submission. The validity and reliability of student level data are high. The MSDE uses validation rules to ensure that Special Services Information System child count data records are error free. Validations include: element level (e.g., dates within ranges), cross element level (e.g., grade X age relationship be consistent with acceptable age range for each grade), and agency level (e.g., duplications between or among agencies, types of internal validation routines).

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2010:**

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

The MSDE implemented Quarterly Data Collection for all local school systems and Public Agencies as of November 1, 2009. For local school systems that utilize the Maryland Online IEP System most of the required quarterly data uploads nightly to the SSIS from the OIEP. Those local school systems only have to report quarterly the Indicator data that is currently being collected on Excel spreadsheets, Indicators 11, 12, and 13. Local school systems that utilize vendor systems report quarterly data via file submission and Excel spreadsheets. The quarterly data are uploaded to the Maryland Scorecard where local school systems and MSDE staff can track the progress of Indicator data.

As of November 1, 2010 the MSDE incorporated into the SSIS data collection all data needed for Indicators 11 and 12. The MSDE continues to collect Indicators 11 and 12 using parallel data collection methods, Excel sheets and SSIS. When it has been verified that the two data collections match, the Excel sheets will be discontinued and the data will be collected electronically using the SSIS database only. Annually, local school systems and public agencies participate in the Office of Monitoring for Continuous Improvement and Results monitoring of data collection and reporting activities.

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Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines /  
Resources for FFY 2011:  
*[If applicable]*

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

# **Attachment 1**

## **FFY 2010 Report of Participation and Performance of Students with Disabilities on Statewide Assessments – Table 6**

# **Attachment 2**

## **FFY 2010 Parent Surveys**

### **Preschool**

### **School-Age**

# **Attachment 3**

## **FFY 2010 Indicator 15**

### **Worksheet**



# **Attachment 4**

## **FFY 2010 Table 7**

### **Dispute Resolution**

# **Attachment 5**

## **FFY 2010**

### **Indicator 20 Scoring Rubric**