



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 1 2009

Honorable Nancy S. Grasmick
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595

Dear Superintendent Grasmick:

Thank you for the timely submission of Maryland's Federal fiscal year (FFY) 2007 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA). We also acknowledge the revisions to Maryland's APR and SPP received on April 7, 2009. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA section 616(d), Maryland meets the requirements of Part B of IDEA. The Department's determination is based on the totality of the State's data and information including the State's FFY 2007 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2009" for further details.

Specific factors affecting the Office of Special Education Programs' (OSEP's) determination that Maryland meets requirements under IDEA section 616(d) include: (1) The State provided valid and reliable FFY 2007 data reflecting the measurement for each indicator; and (2) The State reported correction of its FFY 2006 findings of noncompliance or high levels of compliance for Indicators 9, 10, 11, 12, 13, 15, 16, 17, and 20. We commend Maryland for its performance.

The enclosed table provides OSEP's analysis of the State's FFY 2007 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. The table also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

As you know, your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP as soon as practicable, but no later than June 2, 2009, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A). In addition, your State must review LEA performance against targets in the State's SPP, determine if each LEA 'meets requirements,' 'needs assistance,' 'needs intervention,' or 'needs substantial intervention' in implementing Part B of the IDEA, and inform each LEA of its determination. For further information regarding these requirements, see the SPP/APR Calendar at: <http://spp-apr-calendar.rfcnetwork.org/explorer/view/id/656>. Finally, as you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

In its October 17, 2008 Memorandum 09-02, "Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the IDEA," OSEP provided Chief State School Officers and Lead Agency Directors with important information regarding: (1) requirements for identifying noncompliance and reporting on the correction of noncompliance in States' APRs; and (2) how OSEP will, beginning with the FFY 2008 APR, due February 1, 2010, consider the correction of noncompliance in making annual determinations for States pursuant to section 616(d) of the IDEA. Most significantly, beginning with our 2010 determinations:

1. OSEP will no longer consider a State to be in substantial compliance relative to a compliance indicator based on evidence of correction of the previous year's noncompliance if the State's current year data for that indicator reflect a very low level of compliance (generally 75% or below); and
2. OSEP will credit a State with correction of noncompliance relative to a child-specific compliance indicator only if the State confirms that it has addressed each instance of noncompliance identified in the data for an indicator that was reported in the previous year's APR, as well as any noncompliance identified by the Department more than one year previously. The State must specifically report, for each compliance indicator, whether it has corrected all of the noncompliance identified in its data for that indicator in the prior year's APR as well as that identified by the Department more than one year previously.

It is important for each State to review the guidance in the memorandum, and to raise any questions with your OSEP State Contact. The memorandum may be found at: <http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/656>.

OSEP is committed to supporting Maryland's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or want to request technical assistance, please contact Dwight Thomas, your OSEP State Contact, at 202-245-6238.

Sincerely,



Patricia J. Guard
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 72.85%. These data represent slippage from the FFY 2006 data of 75.61%. The State did not meet its FFY 2007 target of 85.5%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.
2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 5.78%. These data represent slippage from the FFY 2006 data of 4.95%. The State did not meet its FFY 2007 target of 3.54%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.
3. Participation and performance of children with disabilities on statewide assessments: 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. [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 38%. These data remain unchanged from the FFY 2006 data of 38%. The State met its FFY 2007 target of 38%.	OSEP appreciates the State's efforts to improve performance.
3. Participation and performance of children with disabilities on statewide assessments: B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 98.7% for reading and 98.7% for math. The State's FFY 2006 data were 98.9% for reading and 98.8% for math. The State met its FFY 2007 targets of 95%.	OSEP appreciates the State's efforts to improve performance.

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators [Results Indicator]	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																																														
3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. [Results Indicator]	The State revised the improvement activities and the FFY 2006 actual target data for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are: <table><tr><th rowspan="2">Grade</th><th>FFY 2006 Data</th><th>FFY 2007 Data</th><th>FFY 2007 Target</th><th>FFY 2006 Data</th><th>FFY 2007 Data</th><th>FFY 2007 Target</th></tr><tr><th colspan="3">Reading</th><th colspan="3">Math</th></tr><tr><td>3</td><td>62.5%</td><td>63.33%</td><td>62.27%</td><td>54.97%</td><td>60.27%</td><td>71.31%</td></tr><tr><td>4</td><td>67.3%</td><td>72.23%</td><td>76.90%</td><td>62.63%</td><td>66.85%</td><td>71.14%</td></tr><tr><td>5</td><td>52.97%</td><td>67.51%</td><td>71.36%</td><td>51.59%</td><td>52.52%</td><td>64.76%</td></tr><tr><td>6</td><td>47.15%</td><td>51.24%</td><td>73.00%</td><td>40.46%</td><td>44.51%</td><td>58.72%</td></tr><tr><td>7</td><td>36.88%</td><td>49.48%</td><td>71.50%</td><td>30.58%</td><td>35.23%</td><td>56.98%</td></tr><tr><td>8</td><td>35.22%</td><td>38.81%</td><td>68.91%</td><td>27.22%</td><td>29.51%</td><td>55.82%</td></tr><tr><td>HS</td><td>36.45%</td><td>45.91%</td><td>59.00%</td><td>37.33%</td><td>49.95%</td><td>38.6%</td></tr></table> These data represent progress from the revised FFY 2006 data. The State met part of its FFY 2007 targets.	Grade	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Reading			Math			3	62.5%	63.33%	62.27%	54.97%	60.27%	71.31%	4	67.3%	72.23%	76.90%	62.63%	66.85%	71.14%	5	52.97%	67.51%	71.36%	51.59%	52.52%	64.76%	6	47.15%	51.24%	73.00%	40.46%	44.51%	58.72%	7	36.88%	49.48%	71.50%	30.58%	35.23%	56.98%	8	35.22%	38.81%	68.91%	27.22%	29.51%	55.82%	HS	36.45%	45.91%	59.00%	37.33%	49.95%	38.6%	OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.
Grade	FFY 2006 Data		FFY 2007 Data	FFY 2007 Target	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target																																																									
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HS	36.45%	45.91%	59.00%	37.33%	49.95%	38.6%																																																										
4. Rates of suspension and expulsion: A. Percent of districts identified by the State 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; and [Results Indicator]	The State's FFY 2007 reported data for this indicator are 12.5%. These data represent progress from the FFY 2006 data of 20.83%. The State met its FFY 2007 target of 16.67%. The State described how the State reviewed, and if appropriate, revised (or required the affected local school systems to revise), 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 compliance with the IDEA, as required by 34 CFR §300.170(b) for the local school systems identified with significant discrepancies for FFY 2007. The State reported that there were no findings of noncompliance made in FFY 2006.	OSEP appreciates the State's efforts to improve performance. As noted in the revised Part B Indicator Measurement Table, in reporting on this indicator in the FFY 2008 APR, due February 1, 2010, the State must again describe the results of the State's examination of data from FFY 2007 (2007-2008). In addition, the State must again describe the review, and if appropriate, revision of policies, procedures and practices relating to the development and implementation																																																														

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
		of the IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA for LEAs identified with significant discrepancies in FFY 2007, as required by 34 CFR §300.170(b).																				
4. Rates of suspension and expulsion: B. Percent of districts identified by the State as having significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity. [Results Indicator]	States were not required to report on this indicator for FFY 2007.	The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.																				
5. Percent of children with IEPs aged 6 through 21: A. Removed from regular class less than 21% of the day; B. Removed from regular class greater than 60% of the day; or C. Served in public or private separate schools, residential placements, or homebound or hospital placements. [Results Indicator]	The State's reported data for this indicator are: <table><thead><tr><th></th><th>FFY 2006 Data</th><th>FFY 2007 Data</th><th>FFY 2007 Target</th><th>Progress</th></tr></thead><tbody><tr><td>A. % Removed from regular class less than 21% of the day.</td><td>61.64</td><td>62.35</td><td>60.61</td><td>0.71%</td></tr><tr><td>B. % Removed from regular class greater than 60% of the day.</td><td>16.21</td><td>15.82</td><td>16.36</td><td>0.39%</td></tr><tr><td>C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.</td><td>7.90</td><td>7.80</td><td>7.17</td><td>0.10%</td></tr></tbody></table> These data represent progress from the FFY 2006 data. The State met its FFY 2007 target for 5A and for 5B and did not meet its target for 5C.		FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress	A. % Removed from regular class less than 21% of the day.	61.64	62.35	60.61	0.71%	B. % Removed from regular class greater than 60% of the day.	16.21	15.82	16.36	0.39%	C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.	7.90	7.80	7.17	0.10%	OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR, due February 1, 2010.
	FFY 2006 Data	FFY 2007 Data	FFY 2007 Target	Progress																		
A. % Removed from regular class less than 21% of the day.	61.64	62.35	60.61	0.71%																		
B. % Removed from regular class greater than 60% of the day.	16.21	15.82	16.36	0.39%																		
C. % Served in public or private separate schools, residential placements, or homebound or hospital placements.	7.90	7.80	7.17	0.10%																		

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																												
6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings). [Results Indicator]	States were not required to report on this indicator for FFY 2007.	The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.																												
7. Percent of preschool children with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge/ skills (including early language/ communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]	The State's FFY 2007 reported progress data for this indicator are: <table><tr><th>07-08 Preschool Outcome Progress Data</th><th>Social Emotional</th><th>Knowledge & Skills</th><th>Appropriate Behavior</th></tr><tr><td>a. % of preschoolers who did not improve functioning.</td><td>13.07</td><td>15.24</td><td>14.24</td></tr><tr><td>b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.</td><td>6.03</td><td>13.90</td><td>9.38</td></tr><tr><td>c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.</td><td>5.03</td><td>13.07</td><td>4.02</td></tr><tr><td>d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.</td><td>32.50</td><td>36.68</td><td>32.83</td></tr><tr><td>e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.</td><td>43.38</td><td>21.11</td><td>39.53</td></tr><tr><td>Total (approx. 100%)</td><td>100.01%</td><td>100.00%</td><td>100.00%</td></tr></table>	07-08 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior	a. % of preschoolers who did not improve functioning.	13.07	15.24	14.24	b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged peers.	6.03	13.90	9.38	c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	5.03	13.07	4.02	d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	32.50	36.68	32.83	e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	43.38	21.11	39.53	Total (approx. 100%)	100.01%	100.00%	100.00%	The State reported the required progress data and improvement activities. The State must provide baseline data, targets and improvement activities with the FFY 2008 APR, due February 1, 2010.
07-08 Preschool Outcome Progress Data	Social Emotional	Knowledge & Skills	Appropriate Behavior																											
a. % of preschoolers who did not improve functioning.	13.07	15.24	14.24																											
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e. % of preschoolers who maintained functioning at a level comparable to same-aged peers.	43.38	21.11	39.53																											
Total (approx. 100%)	100.01%	100.00%	100.00%																											
8. Percent of parents with a child receiving special education services who	The State revised the improvement activities for this indicator and OSEP	OSEP appreciates the State's efforts																												

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator]	accepts those revisions. The State's FFY 2007 reported data for this indicator are 56% for parents of school aged children and 68% for parents of preschool children. These data represent progress from the FFY 2006 data of 45% for parents of school aged children and 58% for parents of preschool children. The State met its FFY 2007 target of 29% for parents of school aged children and 34% for parents of preschool children.	to improve performance.
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. [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 0%. These data remain unchanged from the FFY 2006 data of 0%. The State met its FFY 2007 target of 0%. The State reported the actual number of local school systems determined in FFY 2007 to have disproportionate representation of racial or ethnic groups in special education and related services that was the result of inappropriate identification.	OSEP appreciates the State's efforts regarding this indicator.
10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 0%. These data remain unchanged from the FFY 2006 data of 0%. The State met its FFY 2007 target of 0%. The State reported the actual number of local school systems determined in FFY 2007 to have disproportionate representation of racial or ethnic groups in specific disability categories that was the result of inappropriate identification.	OSEP appreciates the State's efforts regarding this indicator.
11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State-established timeline). [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 89.02%. These data represent progress from the FFY 2006 data of 83%. The State did not meet its FFY 2007 target of 100%. The State reported that the six findings of noncompliance identified in FFY 2006 related to this indicator were corrected in a timely manner.	The State reported that noncompliance identified in FFY 2006 with the timely initial evaluations requirements in 34 CFR §300.301(c)(1) was corrected in a timely manner. The State must demonstrate, in the FFY 2008 APR due February 1, 2010, that the State is in compliance with the requirements in timely initial evaluations requirements in 34 CFR

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		§300.301(c)(1), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR. The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance reported by the State under this indicator in the FFY 2007 APR: (1) is correctly implementing the specific regulatory requirements; and (2) has completed the initial evaluation although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
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. [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 95.42%. These data represent progress from the FFY 2006 data of 95%. The State did not meet its FFY 2007 target of 100%. The State reported that the one finding of noncompliance identified in FFY 2006 was corrected in a timely manner. OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate that the FFY 2005 noncompliance with the early childhood transition requirements in 34 CFR §300.124(b) was corrected. The State reported that the FFY 2005 noncompliance was corrected.	The State reported that noncompliance identified in FFY 2006 with the early childhood transition requirements in 34 CFR §300.124(b) was corrected in a timely manner and that the noncompliance identified in FFY 2005 was corrected. OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		that it is in compliance with the requirements in 34 CFR §300.124(b), including correction of the noncompliance the State reported under this indicator in the FFY 2007 APR. The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA, inclusive of the LEA with the remaining noncompliance: (1) is correctly implementing the specific regulatory requirements; and (2) has developed and implemented the IEP, although late, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.
13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals. [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 95%. These data represent progress from the FFY 2006 data of 94%. The State did not meet its FFY 2007 target of 100%. The State reported that 16 of 18 findings of noncompliance identified in FFY 2006 were corrected in a timely manner and that one of the two remaining findings subsequently was corrected by the date of submission of the FFY 2007 APR. For the remaining finding, the State provided intensive onsite technical assistance to the local school system's staff on transition planning.	The State reported that noncompliance identified in FFY 2006 with the secondary transition requirements in 34 CFR §300.320(b) was partially corrected. The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the remaining one uncorrected noncompliance finding was corrected. Although the State is not required to report data for this indicator in the

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																
		FFY 2008 APR, the State must report on the timely correction of the noncompliance reported by the State under this indicator in the FFY 2007 APR. The State must report, in its FFY 2008 APR due February 1, 2010, that it has verified that each LEA with noncompliance identified in FFY 2007 and the LEA with the remaining noncompliance identified in FFY 2006: (1) is correctly implementing the specific regulatory requirements; and (2) has developed an IEP that includes the required transition content for each individual case of noncompliance, unless the youth is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. The State is not required to report on this indicator in the FFY 2008 APR, due February 1, 2010.																
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are: <table><tr><th></th><th>FFY 2006</th><th>FFY 2007</th><th>Progress</th></tr><tr><td>Percent of youth who are competitively employed.</td><td>44.6</td><td>53</td><td>8.40%</td></tr><tr><td>Percent of youth who are in some type of postsecondary school.</td><td>4.0</td><td>10</td><td>6.00%</td></tr><tr><td>Percent of youth who are both competitively employed and in some type of postsecondary school.</td><td>24.7</td><td>14</td><td>-10.70%</td></tr></table>		FFY 2006	FFY 2007	Progress	Percent of youth who are competitively employed.	44.6	53	8.40%	Percent of youth who are in some type of postsecondary school.	4.0	10	6.00%	Percent of youth who are both competitively employed and in some type of postsecondary school.	24.7	14	-10.70%	
	FFY 2006	FFY 2007	Progress															
Percent of youth who are competitively employed.	44.6	53	8.40%															
Percent of youth who are in some type of postsecondary school.	4.0	10	6.00%															
Percent of youth who are both competitively employed and in some type of postsecondary school.	24.7	14	-10.70%															

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
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. [Compliance Indicator]	The State's FFY 2007 reported data for this indicator are 96.46%. These data represent progress from the FFY 2006 data of 84.05%. The State did not meet its FFY 2007 target of 100%. OSEP's June 6, 2008 FFY 2006 SPP/APR response table required the State to demonstrate that the remaining FFY 2005 noncompliance for Indicator 15 was corrected. The State reported that of the seven findings that remained uncorrected by the time of the FFY 2006 APR, two have been corrected. For the uncorrected noncompliance, the State reported that one of the two local school systems is under a court-ordered consent decree and the State provided intensive oversight, verification and ongoing monitoring in both local school systems cited for noncompliance. In addition, with both local school systems with remaining noncompliance, the State directed the use of grant funds toward correction of noncompliance. The State was identified as being in need of assistance for two consecutive years based on the State's FFYs 2005 and 2006 APRs, was advised of available technical assistance, and was required to report, with the FFY 2007 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State reported on the technical assistance sources from which the State received assistance for this indicator and reported on the actions the State took as a result of that technical assistance.	The State must demonstrate, in the FFY 2008 APR, due February 1, 2010, that the State has corrected the remaining findings of noncompliance identified in FFY 2005 that were not reported as corrected in the FFY 2007 APR. OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that the State timely corrected noncompliance identified by the State in FFY 2007, in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600(e) and OSEP Memo 09-02. In reporting on correction of remaining noncompliance identified in FFY 2005 and FFY2006, the State must report that it has: (1) corrected all instances of noncompliance (including noncompliance identified through the State's monitoring system, through the State's data system and by the Department); and (2) verified that each LEA with identified noncompliance is correctly implementing the specific regulatory requirements, consistent with OSEP Memo 09-02. In addition, in responding to Indicators 11, 12, and 13 in the FFY 2008 APR due February 1, 2010, the State must report on correction of the noncompliance described in this table

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		under those indicators. If the State is unable to demonstrate compliance in the FFY 2008 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance. In reporting on Indicator 15 in the FFY 2008 APR, the State must use the Indicator 15 Worksheet.
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. [Compliance Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 100%. These data represent progress from the FFY 2006 data of 99%. The State met its FFY 2007 target of 100%.	OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. [Compliance Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 100%. These data remain unchanged from the FFY 2006 data of 100%. The State met its FFY 2007 target of 100%.	OSEP appreciates the State's efforts in achieving compliance with the due process hearing timelines requirements in 34 CFR §300.515.
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]	The State's FFY 2007 reported data for this indicator are 65%. The State reported that 61 of 94 resolution sessions resulted in settlement agreements. The State's FFY 2006 reported data for this indicator were 72%. The State met its FFY 2007 target of 64-75%.	OSEP appreciates the State's efforts to improve performance.
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 73%. The State	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2008 APR,

Maryland Part B FFY 2007 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	reported that 132 of 182 mediation sessions resulted in mediation agreements. The State's FFY 2006 reported data for this indicator were 72%. The State did not meet its FFY 2007 target of 75-85%.	due February 1, 2010.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State revised the improvement activities for this indicator and OSEP accepts those revisions. The State's FFY 2007 reported data for this indicator are 100%. However, OSEP's calculation of the data for this indicator is 97.7%. These recalculated data represent slippage from the FFY 2006 of 100%.	OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2008 APR, due February 1, 2010, the State's data demonstrating that it is in compliance with the timely and accurate data reporting requirements in IDEA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b). In reporting on Indicator 20 in the FFY 2008 APR, the State must use the Indicator 20 Data Rubric.

How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2009: Part B

In making our determination for each State under section 616(d) of the Individuals with Disabilities Education Act (IDEA), we considered the State's FFY 2007 Annual Performance Report (APR)/State Performance Plan (SPP) submission, information from monitoring visits, including verification reviews, and other public information, such as the State's performance under any existing special conditions on its FFY 2008 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA.

FFY 2007 APR/SPP Submissions

In reviewing the States' FFY 2007 APR/SPP submissions, we considered both the submission of valid and reliable data and the level of compliance or correction.

With respect to data, for Indicators 1 through 19, we examined whether the State provided valid and reliable FFY 2007 data (e.g., the State provided all the required data, the data were for the correct year and were consistent with the required measurement and/or the approved SPP, and the State did not indicate that its data were not valid and reliable). For the results indicators (Indicators 1, 2, 3, 4A, 5, 7, 8, 14, 18 and 19), if the State did not provide valid and reliable data, we considered whether the State provided a plan to collect the missing or deficient data for reporting in next year's APR/SPP submission. For Indicators 9, 10, 11, 12, 13, 15, 16, and 17, we also examined whether the State provided any FFY 2007 data, even if the data were not valid and reliable.

With respect to compliance, we examined Indicators 9, 10, 11, 12, 13, 15, 16, 17, and 20. With respect to these indicators, we looked for evidence that the State demonstrated substantial compliance either through reporting a very high level of compliance (generally 95% or better) or full correction of its FFY 2006 findings of noncompliance for Indicators 9, 10, 11, 12, and 13. If the State did not demonstrate either a very high level of compliance or full correction, we examined whether it nonetheless had maintained current levels, or made progress in ensuring compliance over its performance for that indicator as reported in its FFY 2006 SPP/APR submission. We considered "progress" to include reporting higher compliance numbers or reporting more accurate and complete compliance data compared to the data provided in the prior year's submission. Indicator 15 evaluates "timely" correction, so for this indicator we specifically examined whether the correction was timely. For the other compliance indicators, we considered both whether the State timely corrected its FFY 2006 findings of noncompliance and whether the State subsequently corrected findings of noncompliance. We did not consider Indicators 16 and 17 if the State reported less than 100% compliance, but fewer than 10 complaints or 10 fully adjudicated hearings, in recognition of the inequities in basing decisions on small numbers.

Generally, and absent any other issues (see below), we considered a State to "meet requirements" if it provided valid and reliable FFY 2007 data consistent with, or substantially the same as, the measurement for each indicator and/or the approved SPP, and demonstrated substantial compliance for Indicators 9, 10, 11, 12, 13, 15, 16, 17, and 20. We determined that a State demonstrated substantial compliance if it provided data showing a very high level of compliance (generally 95% or better) or that it had fully corrected previously identified noncompliance. (Beginning with the Department's determinations in 2010, we will require States to demonstrate correction of previously identified noncompliance consistent with OSEP's Memorandum, 09-02, dated October 17, 2008, and will not consider a State to be in substantial compliance based on correction if its reported FFY 2007 data are low (generally 75% or lower).) If a State did not meet these standards for only one

indicator, we considered the State to “meet requirements” if the compliance level for this indicator was high (generally 90% or better) or, for a data issue for a results indicator, if the State provided a plan to collect the data for next year. In no case, however, did we place a State in “meets requirements” if it failed to provide valid and reliable FFY 2007 data for compliance Indicators 9, 10, 11, 12, 13, 15, 16 or 17. We also considered whether the State, when it reported under Indicator 4A: (1) made clear that, if it identified any districts as having significant discrepancies in the discipline of children with disabilities, it reviewed and, if appropriate revised (or required the LEA to revise) its policies, procedures and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, as required by 34 CFR §300.170(b); and (2) if the State identified any noncompliance in policies, procedures or practices in these areas as a result of this review, corrected the noncompliance.

Generally, and absent any other issues (see below), we considered a State to be “in need of intervention” if it demonstrated very low performance for Indicators 9, 10, 11, 12, 13, 15, 16 or 17 (generally 50% or below, or in the case of Indicators 9 and 10, 50% or above, and such performance did not represent progress (as defined above) over the prior year’s compliance data), and did not demonstrate full correction of its FFY 2006 findings of noncompliance. We also identified a State “in need of intervention” if it did not provide any FFY 2007 data on Indicators 9, 10, 11, 12, 13, 15, 16 or 17 or if the data for these indicators were not valid and reliable (as defined above). We also identified a State “in need of intervention” if it did not provide valid and reliable FFY 2007 data on one of the results indicators and did not provide a plan to collect and report that data.

We would identify a State as “in need of substantial intervention” if its substantial failure to comply significantly affected the core requirements of the program, such as the delivery of services to children with disabilities or the State’s exercise of general supervision, or if the State informed the Department that it was unwilling to comply with an IDEA requirement. In making this determination, we would consider the impact of any longstanding unresolved issues on the State’s current implementation of the program. We would also consider identifying a State “in need of substantial intervention” for failing to submit its APR/SPP.

We determined that States that did not “meet requirements” and were not “in need of intervention” or “in need of substantial intervention” were “in need of assistance,” absent any other issues (see below).

Monitoring Data and Other Public Information

We also considered other public information available to the Department, including information from OSEP monitoring activities, performance under pre-existing special conditions, and longstanding audit findings. We did not consider a State to “meet requirements” if the State had unresolved special conditions that were imposed as a result of the State being designated as a “high risk” grantee, outstanding OSEP monitoring findings, including verification visit findings, or longstanding audit issues or a compliance agreement. We considered the length of time the problem had existed, the magnitude of the problem, and the State’s response to the problem, including progress the State had made to correct the problem, in determining whether the State should be identified as “in need of assistance,” “in need of intervention,” or “in need of substantial intervention.” Finally, for States with a current Compliance Agreement covering the requirements of one or more indicators, we did not consider the State to be “in need of intervention” based on those same indicators if the Compliance Agreement provided for the State to demonstrate compliance beyond the reporting period.