



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

Honorable Nancy S. Grasmick
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street, 7th Floor
Baltimore, Maryland 21201-2595

JUN 20 2011

Dear Superintendent Grasmick:

Thank you for the timely submission of Maryland's Federal fiscal year (FFY) 2009 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA section 616(d)(2)(A)(i), 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 2009 APR and revised SPP (including targets and improvement activities for each year through FFY 2012), other State-reported data, information obtained through verification visits, and other publicly available information. However, we did not consider whether a State was in compliance with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. This is a key component of a State's eligibility for a grant under Part B of the IDEA. However, because the statute provides a specific remedy when a State is not in compliance with this provision (and the Department is taking action consistent with the statute) and recognizing that this is the first time that a number of States have failed to meet this requirement, the Department decided not to include compliance with this provision in the determinations process this year. The Department is actively considering including a State's compliance with this requirement in the 2012 determinations. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2011: Part B" for further details.

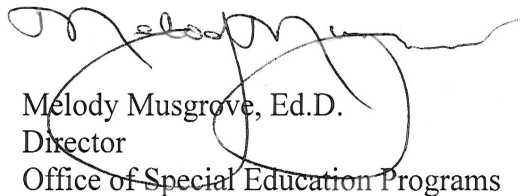
Specific factors affecting the determination made by the Office of Special Education Programs (OSEP) that Maryland meets requirements under IDEA section 616(d) include that: (1) Maryland provided valid and reliable FFY 2009 data reflecting the measurement for each indicator; (2) Maryland reported high levels of compliance or correction for Indicators 9, 10, 11, 12, 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 and that it verified the correction of FFY 2008 findings of noncompliance consistent with the guidance in OSEP Memorandum 09-02, dated October 17, 2008. We commend Maryland for its performance.

The enclosed table provides OSEP's analysis of the State's FFY 2009 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions the State made to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. The table also identifies, by indicator: (1) the State's reported FFY 2009 data; (2) whether such data met the State's FFY 2009 targets and reflect progress or slippage from the prior year's data; and (3) whether the State corrected findings of noncompliance.

As you know, pursuant to IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(A), 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 1, 2011. In addition, your State must: (1) review LEA performance against targets in the State's SPP; (2) determine if each LEA "meets requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each LEA of its determination. 34 CFR §300.600(a)(2) and (3). For further information regarding these requirements, see "The Right IDEA" Web site at: <http://therightidea.tadnet.org/determinations>. Finally, please ensure that your updated SPP is posted on the State educational agency's Web site and made available to the public, consistent with 34 CFR §300.602(b)(1)(i)(B).

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,



Melody Musgrove, Ed.D.
Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2011: Part B

In making our determination for each State under section 616(d) of the Individuals with Disabilities Education Act (IDEA), we considered the totality of the information we have available about a State. This includes the State's FFY 2009 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 2010 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA.

FFY 2009 APR/SPP Submissions and Other Information

In reviewing a State's FFY 2009 APR/SPP submission, we considered both the submission of valid and reliable data and the level of compliance, including correction of noncompliance, as described below. We also reviewed other information (described below) that reflects the State's compliance with IDEA requirements.

With respect to data, for Indicators 1 through 5, and 7 through 19, we examined whether the State provided valid and reliable FFY 2009 data (*i.e.*, 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 whether we had information demonstrating that the data were not correct or the State indicated that the data were not valid and reliable).

With respect to compliance, we examined Indicators 9, 10, 11, 12, 15, 16, 17, and 20. For each indicator, we looked for evidence that the State demonstrated substantial compliance either through reporting FFY 2009 data that reflected a very high level of compliance (generally 95% or better) or, for Indicators 9, 10, 11, and 12, if the State's FFY 2009 compliance data were 25% or below (for Indicators 9 and 10) or at or above 75% (for Indicators 11 and 12), whether it had fully corrected FFY 2008 findings of noncompliance. Indicator 15 evaluates the "timely" correction of FFY 2008 findings, so for this indicator we specifically examined both whether the State reported a high level of compliance (generally 95% or better) in timely correcting FFY 2008 findings of noncompliance, and whether the State verified the correction of FFY 2008 findings of noncompliance consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02). 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 the State: (1) Provided valid and reliable FFY 2009 data consistent with, or substantially the same as, the measurement for each indicator and/or the approved SPP; (2) Demonstrated substantial compliance for Indicators 9, 10, 11, 12, 16, 17, and 20; and (3) Reported under Indicator 15 both a high level of compliance (generally 95% or better) in timely correcting FFY 2008 findings of noncompliance, and that it verified correction of FFY 2008 findings of noncompliance consistent with the guidance in OSEP Memo 09-02. We determined that a State demonstrated substantial compliance if it provided data showing a very high level of compliance (generally at or above 95%) for these indicators, or if it had fully corrected previously identified findings of noncompliance for Indicators 9 and 10 (if the State's FFY 2009 compliance data for these indicators were 25% or below), and for Indicators 11 and 12 (if the State's FFY 2009 compliance data for these indicators were at or above 75%). As indicated in OSEP Memo 09-02, beginning with the Department's

determinations in 2010, for Indicators 9, 10, 11 and 12, we considered a State to have demonstrated correction of previously identified noncompliance for any findings identified in FFY 2007 and 2008 if the State verified correction of those findings consistent with OSEP Memo 09-02. In addition, we did not consider a State to be in substantial compliance for a compliance indicator based on correction if its reported FFY 2009 data were low (generally below 75%, or, for Indicators 9 and 10, above 25%), consistent with OSEP Memo 09-02. If a State did not meet these standards for substantial compliance for only one compliance indicator (including Indicators 15 and 20) and there were no other factors (see below), we considered the State to “meet requirements” if the compliance level for that indicator was high (generally at or above 90%, or, for Indicators 9 and 10, at or below 10%). In no case, however, did we place a State in “meets requirements” if it failed to provide valid and reliable FFY 2009 data (as defined above) for Indicators 1 through 5 and 7 through 19. 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, it corrected the noncompliance.

Generally, and absent any other issues (see below), we considered a State to be “in need of intervention” for one of three reasons that are explained further in this paragraph: very low compliance data, failure to provide valid and reliable data for a compliance indicator, or longstanding noncompliance that was the subject of Departmental enforcement for a key IDEA requirement. First, we identified a State as “in need of intervention” if the State’s compliance data demonstrated: (1) Very low performance for Indicators 9, 10, 11, 12, 16 or 17 (generally below 50%, or in the case of Indicators 9 and 10, above 50%, regardless of whether it reported correction of previously identified findings of noncompliance; or (2) Very low performance for Indicator 15 (generally below 50%) and the State did not report under Indicator 15 that it verified correction of FFY 2008 findings of noncompliance consistent with the guidance in OSEP Memo 09-02. Second, we identified a State as “in need of intervention” if it did not provide valid and reliable (as defined above) FFY 2009 compliance data for Indicators 9, 10, 11, 12, 15, 16 or 17. We also identified a State as “in need of intervention” if the State has been subject to Departmental enforcement for multiple years for failing to comply with key IDEA requirements, the noncompliance has been long-standing, and the State’s data demonstrate continued noncompliance.

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.

Absent any other issues (see below), 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.”

Monitoring Data and Other Public Information

We also considered other public information available to the Department, including information from monitoring visits, verification reviews, and other public information, such as the State's performance under any existing special conditions on its FFY 2010 grant or a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA. 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, longstanding audit issues, or a compliance agreement. In determining whether the State should be identified as "in need of assistance," "in need of intervention," or "in need of substantial intervention," 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.

Finally, in making these determinations in 2011, we did not consider whether a State was in compliance with the requirement in section 612(a)(18)(A) to maintain State financial support for special education and related services. This is a key component of a State's eligibility for a grant under Part B of the IDEA. However, because the statute provides a specific remedy when a State is not in compliance with this provision (and the Department is taking action consistent with the statute) and recognizing that this is the first time that a number of States have failed to meet this requirement, the Department decided not to include compliance with this provision in the determinations process this year. The Department is actively considering including a State's compliance with this requirement in the 2012 determinations.

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>1. Percent of youth with IEPs graduating from high school with a regular diploma.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 70.05%. These data represent progress from the FFY 2008 data of 67.7%. The State did not meet its FFY 2009 target of 85.5%.</p> <p>The State reported the required graduation rate calculation and timeline established by the Department under the Elementary and Secondary Education Act (ESEA). This means that the State submitted the most recent graduation data that the State reported to the Department as part of its Consolidated State Performance Report (CSPR).</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>2. Percent of youth with IEPs dropping out of high school.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 4.41%. These data represent slippage from the FFY 2008 data of 3.11%. The State did not meet its FFY 2009 target of 3.54%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide assessments:</p> <p>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.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 24%. These data represent progress from the FFY 2008 data of 20%. The State did not meet its FFY 2009 target of 50%.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p>
<p>3. Participation and performance of children with IEPs on statewide</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																																															
assessments: B. Participation rate for children with IEPs. [Results Indicator]	stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State’s FFY 2009 reported data for this indicator are 99.23% for reading and 99.17% for math. These data represent progress from 99.18% for reading and represent progress from 99.03% for math from the FFY 2008 data. The State met its FFY 2009 targets. The State provided a Web link to 2009 publicly-reported assessment results.																																																																
3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards. [Results Indicator]	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table><tr><th><u>Grade</u></th><th><u>FFY 2008 Data</u></th><th><u>FFY 2009 Data</u></th><th><u>FFY 2009 Target</u></th><th><u>FFY 2008 Data</u></th><th><u>FFY 2009 Data</u></th><th><u>FFY 2009 Target</u></th></tr><tr><td></td><td colspan="3"><u>Reading</u></td><td colspan="3"><u>Math</u></td></tr><tr><td>3</td><td>68.65%</td><td>66.72%</td><td>72.73%</td><td>58.13%</td><td>63.44%</td><td>76.09%</td></tr><tr><td>4</td><td>69.39%</td><td>68.12%</td><td>80.75%</td><td>66.90%</td><td>68.63%</td><td>75.95%</td></tr><tr><td>5</td><td>73.29%</td><td>71.12%</td><td>76.14%</td><td>53.35%</td><td>57.95%</td><td>70.64%</td></tr><tr><td>6</td><td>57.10%</td><td>61.41%</td><td>77.50%</td><td>46.39%</td><td>50.78%</td><td>65.60%</td></tr><tr><td>7</td><td>52.72%</td><td>52.84%</td><td>76.25%</td><td>43.12%</td><td>45.59%</td><td>64.15%</td></tr><tr><td>8</td><td>50.35%</td><td>53.90%</td><td>74.09%</td><td>35.13%</td><td>34.89%</td><td>63.18%</td></tr><tr><td>HS</td><td>48.16%</td><td>46.69%</td><td>65.83%</td><td>47.46%</td><td>45.69%</td><td>56.12%</td></tr></table>	<u>Grade</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>		<u>Reading</u>			<u>Math</u>			3	68.65%	66.72%	72.73%	58.13%	63.44%	76.09%	4	69.39%	68.12%	80.75%	66.90%	68.63%	75.95%	5	73.29%	71.12%	76.14%	53.35%	57.95%	70.64%	6	57.10%	61.41%	77.50%	46.39%	50.78%	65.60%	7	52.72%	52.84%	76.25%	43.12%	45.59%	64.15%	8	50.35%	53.90%	74.09%	35.13%	34.89%	63.18%	HS	48.16%	46.69%	65.83%	47.46%	45.69%	56.12%	OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.
<u>Grade</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																																																											
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Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>These data represent progress and slippage from the FFY 2008 data. The State did not meet its FFY 2009 targets.</p> <p>The State provided a Web link to 2009 publicly-reported assessment results.</p>	
<p>4. Rates of suspension and expulsion:</p> <p>A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 16.7%. These data represent slippage from the FFY 2008 data of 12.5%. The State did not meet its FFY 2009 target of 12.5%.</p> <p>The State reported its definition of "significant discrepancy."</p> <p>The State reported that two of 24 districts did not meet the State-established minimum "n" size requirement and were excluded from the calculation. The State explained that the "n" size is based on the districts' enrollment.</p> <p>The State reported that it reviewed the LEAs' 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 LEAs identified with significant discrepancies based on FFY 2008 data. The State identified noncompliance through this review.</p> <p>The State reported that it revised (or required the affected LEA to revise), the LEA's policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b) for the LEAs identified with noncompliance.</p> <p>The State reported that one LEA had uncorrected noncompliance identified in FFY 2006 or earlier, and that this LEA is under a Settlement Agreement pursuant to action in the U.S. District Court. The State reported on the action it took to address the uncorrected noncompliance.</p>	<p>OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State must report, in its FFY 2010 APR, 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). When reporting on the correction of this noncompliance, the State must report that it has verified that each LEA with noncompliance identified by the State: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, 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). In the FFY 2010 APR,</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		the State must describe the specific actions that were taken to verify the correction.
<p>4. Rates of suspension and expulsion:</p> <p>B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.</p> <p>[Compliance Indicator]</p>	<p>The State provided FFY 2009 baseline, using FFY 2008 data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 baseline data for this indicator are 4.1%.</p> <p>The State reported that two districts were identified as having a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs. The State also reported that one district was identified as having 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.</p> <p>The State reported its definition of "significant discrepancy."</p> <p>The State reported that 18 of the 24 districts did not meet the State-established minimum "n" size requirement and were excluded from the calculation. The State explained that the "n" size is based on the districts' enrollment.</p> <p>The State reported that it reviewed the LEA's policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, as required by 34 CFR §300.170(b) for the LEAs identified with significant discrepancies based on FFY 2008 data. The State identified noncompliance through this review.</p> <p>The State reported that it revised (or required the affected LEA to revise), the LEA's policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards to ensure compliance with the IDEA, pursuant to 34 CFR §300.170(b) for the LEA identified with noncompliance.</p>	<p>OSEP appreciates the State's efforts regarding this indicator and looks forward to data in the FFY 2010 APR demonstrating compliance.</p> <p>Because the State reported less than 100% compliance for FFY 2009 (greater than 0% actual target data for this indicator), the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator. The State must demonstrate, in the FFY 2010 APR, that the districts identified with noncompliance based on FFY 2008 data have corrected the noncompliance, including that the State verified that each district with noncompliance: (1) is correctly implementing the specific regulatory requirement(s) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the district, consistent with OSEP</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
		<p>Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. If the State is unable to demonstrate compliance with those requirements in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary to ensure compliance.</p> <p>OSEP will be carefully reviewing each State’s methodology for identifying “significant discrepancy” and will contact the State if there are questions or concerns.</p>																				
<p>5. Percent of children with IEPs aged 6 through 21 served:</p> <p>A. Inside the regular class 80% or more of the day;</p> <p>B. Inside the regular class less than 40% of the day; or</p> <p>C. In separate schools, residential facilities, or homebound/hospital placements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table><tr><td></td><td><u>FFY 2008 Data</u></td><td><u>FFY 2009 Data</u></td><td><u>FFY 2009 Target</u></td><td><u>Progress</u></td></tr><tr><td>A. % Inside the regular class 80% or more of the day</td><td>63.99</td><td>64.8</td><td>61.61</td><td>0.81%</td></tr><tr><td>B. % Inside the regular class less than 40% of the day</td><td>15.1</td><td>14.55</td><td>15.86</td><td>0.55%</td></tr><tr><td>C. % In separate schools, residential facilities, or</td><td>7.59</td><td>7.33</td><td>6.67</td><td>0.26%</td></tr></table>		<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>	A. % Inside the regular class 80% or more of the day	63.99	64.8	61.61	0.81%	B. % Inside the regular class less than 40% of the day	15.1	14.55	15.86	0.55%	C. % In separate schools, residential facilities, or	7.59	7.33	6.67	0.26%	<p>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, due February 1, 2012.</p>
	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>																		
A. % Inside the regular class 80% or more of the day	63.99	64.8	61.61	0.81%																		
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Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues					OSEP Analysis/Next Steps												
	homebound/hospital placements																	
	These data represent progress from the FFY 2008 data. The State met its FFY 2009 targets for 5A and 5B, but did not meet its FFY 2009 target for 5C.																	
6. Percent of children aged 3 through 5 with IEPs attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility. [Results Indicator; New]	The State is not required to report on this indicator in the FFY 2009 APR.					The State is not required to report on this indicator in the FFY 2010 APR, due February 1, 2012.												
7. Percent of preschool children age 3 through 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs. [Results Indicator]	<div>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012. The State’s FFY 2009 reported data for this indicator are:</div> <table><tr><th><u>Summary Statement 1</u></th><th><u>FFY 2008 Data</u></th><th><u>FFY 2009 Data</u></th><th><u>FFY 2009 Target</u></th></tr><tr><td>Outcome A: Positive social-emotional skills (including social relationships) (%)</td><td>64.3</td><td>64.4</td><td>65.3</td></tr><tr><td>Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)</td><td>64.6</td><td>65.3</td><td>65.6</td></tr></table>					<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	Outcome A: Positive social-emotional skills (including social relationships) (%)	64.3	64.4	65.3	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	64.6	65.3	65.6	<div>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, due February 1, 2012.</div> <div>The State must report progress data and actual target data for FFY 2010 with the FFY 2010 APR.</div>
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>															
Outcome A: Positive social-emotional skills (including social relationships) (%)	64.3	64.4	65.3															
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	64.6	65.3	65.6															

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues				OSEP Analysis/Next Steps
	(%)				
	Outcome C: Use of appropriate behaviors to meet their needs (%)	58.7	60.6	59.7	
	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	
	Outcome A: Positive social-emotional skills (including social relationships) (%)	68.5	64.9	70.5	
	Outcome B: Acquisition and use of knowledge and skills (including early language/ communication) (%)	55.3	52.7	56.3	
	Outcome C: Use of appropriate behaviors to meet their needs (%)	66.2	62.1	63.2	
	These data represent progress and slippage from the FFY 2008 data. The State met part of its FFY 2009 targets for this 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. [Results Indicator]	The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions. The State’s FFY 2009 reported data for this indicator are 37% for parents of school-aged children and 43% for parents of preschool children. These data represent slippage from the FFY 2008 data of 57% for parents of school-aged children and 69% for parents				OSEP appreciates the State’s efforts to improve performance.

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	<p>of preschool children. The State met its FFY 2009 targets of 32% for parents of school-aged children and 37% for parents of preschool children.</p> <p>In its description of its FFY 2009 data, the State addressed whether the response group was representative of the population.</p>	
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that two districts were identified with disproportionate representation of racial and ethnic groups in special education and related services. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services that was the result of inappropriate identification.</p> <p>The State provided its definition of "disproportionate representation."</p> <p>The State reported that one of 24 districts did not meet the State-established minimum "n" size requirement and was excluded from the calculation. The State explained that the "n" size is based on the districts' enrollment.</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p>
<p>10. Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 0%. These data remain unchanged from the FFY 2008 data of 0%. The State met its FFY 2009 target of 0%.</p> <p>The State reported that 16 districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories. The State also reported that no districts were identified with disproportionate representation of racial and ethnic groups in specific disability categories that was the result of inappropriate identification.</p> <p>The State provided its definition of "disproportionate representation."</p> <p>The State reported that one of 24 districts did not meet the State-established minimum "n" size requirement and was excluded from the calculation. The State explained that the "n" size is based on the districts' enrollment.</p>	<p>OSEP appreciates the State's efforts regarding this indicator.</p>
<p>11. Percent of children who were</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities</p>	<p>OSEP appreciates the State's</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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.</p> <p>[Compliance Indicator]</p>	<p>through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 95.46%. These data represent progress from the FFY 2008 data of 92%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 18 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the timely initial evaluation requirements in 34 CFR §300.301(c)(1). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of correction of noncompliance reflected in the data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.301(c)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has completed the evaluation, although late, for any child whose initial evaluation was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 99.73%. These data represent progress from the FFY 2008 data of 97.28%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all four of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, the State's data demonstrating that it is in compliance with the early childhood transition requirements in 34 CFR §300.124(b). 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 FFY 2009 data the State reported for this indicator.</p> <p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the data the State reported for this indicator: (1) is correctly implementing 34 CFR §300.124(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has developed and implemented the IEP,</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>although late, for any child for whom implementation of the IEP was not timely, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>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</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator.</p> <p>The State's FFY 2009 reported baseline data for this indicator are 86.1%.</p> <p>The State reported that none of the findings of noncompliance identified in FFY 2007 and FFY 2006 were corrected. The State reported on the actions it took to address the uncorrected noncompliance. The remaining noncompliance identified in FFY 2007 and FFY 2006 is in a local school system that is under a settlement agreement approved by the U.S. District Court of Maryland.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the State is in compliance with the secondary transition requirements in 34 CFR §§300.320(b) and 300.321(b). 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.</p> <p>The State must demonstrate, in the FFY 2010 APR, that the remaining one uncorrected noncompliance finding identified in FFY 2007 and the remaining one uncorrected noncompliance finding identified in FFY 2006 were corrected.</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>of majority.</p> <p>[Compliance Indicator]</p>		<p>When reporting on the correction of noncompliance, the State must report, in its FFY 2010 APR, that it has verified that each LEA with noncompliance reflected in the FFY 2009 data the State reported for this indicator and the remaining noncompliance identified in FFY 2007 and FFY 2006 in the LEA under the Settlement Agreement: (1) is correctly implementing 34 CFR §§300.320(b) and 300.321(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction.</p> <p>If the State does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left</p>	<p>The State provided FFY 2009 baseline data, targets for FFY 2010, FFY 2011, and FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2010, FFY 2011 and</p>	<p>The State must report actual target data for FFY 2010 with the FFY 2010 APR, due February 1,</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>school, and were:</p> <p>A. Enrolled in higher education within one year of leaving high school;</p> <p>B. Enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>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.</p> <p>[Results Indicator]</p>	<p>FFY 2012.</p> <p>The State's reported FFY 2009 baseline data for this indicator are:</p> <p>A. 49.40% enrolled in higher education within one year of leaving high school;</p> <p>B. 72.61% enrolled in higher education or competitively employed within one year of leaving high school; and</p> <p>C. 81.42% 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.</p>	<p>2012.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 99.57%. The data represent progress from the FFY 2008 data of 97.19%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that 231 of 232 findings of noncompliance identified in FFY 2008 were corrected in a timely manner. The State reported on the actions it took to address the uncorrected noncompliance. The State reported that none of the five remaining findings of noncompliance identified in FFY 2007, FFY 2006, and FFY 2005 were corrected. For the uncorrected noncompliance, the State reported on the actions it took to address the uncorrected noncompliance. All five of the remaining findings of noncompliance identified in FFY 2007, FFY 2006, and FFY 2005 were in the LEA that is under a Settlement Agreement approved by the U.S. District Court of Maryland.</p>	<p>The State must demonstrate, in the FFY 2010 APR, due February 1, 2012, that the remaining one finding of noncompliance identified in FFY 2008, the remaining one finding of noncompliance identified in FFY 2007, the remaining one finding of noncompliance identified FFY 2006, and the remaining three findings of noncompliance identified in FFY 2005 that were not reported as corrected in the FFY 2009 APR were corrected.</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, the State's data demonstrating that the State timely corrected noncompliance identified in FFY</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>2009 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e), and OSEP Memo 09-02.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, the State must report that it verified that each LEA with noncompliance identified in FFY 2009: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2010 APR, the State must use the Indicator 15 Worksheet.</p> <p>In addition, in responding to Indicators 4A, 4B, 11, 12, and 13 in the FFY 2010 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely complaint resolution requirements in 34 CFR §300.152.</p>
<p>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.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data represent progress from the FFY 2008 data of 93%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the due process hearing timeline requirements in 34 CFR §300.515.</p>
<p>18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p> <p>[Results Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 70.2%. These data represent slippage from the FFY 2008 data of 79%. The State met its FFY 2009 target of 64-75%.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>19. Percent of mediations held that resulted in mediation agreements.</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010</p>

Maryland Part B FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]	<p>stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012.</p> <p>The State's FFY 2009 reported data for this indicator are 74.3%. These data represent slippage from the FFY 2008 data of 77%. The State did not meet its FFY 2009 target of 75-85%.</p>	APR, due February 1, 2012.
<p>20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and improvement activities through FFY 2012, and OSEP accepts those revisions. The State indicated that stakeholders were provided an opportunity to comment on the targets for FFY 2011 and 2012. The State revised the improvement activities for FFY 2010 for this indicator and OSEP accepts those revisions.</p> <p>The State's FFY 2009 reported data for this indicator are 100%. These data represent remain unchanged from the FFY 2008 data of 100%. The State met its FFY 2009 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2010 APR, due February 1, 2012, 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 2010 APR, the State must use the Indicator 20 Data Rubric.</p>