



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

JUL 01 2013

Honorable Lillian M. Lowery
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Dear Superintendent Lowery:

Thank you for the timely submission of Maryland's Federal fiscal year (FFY) 2011 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA).

The U.S. Department of Education (Department) has determined that, under IDEA section 616(d)(2)(A)(i), Maryland meets the requirements of Part B of the IDEA. The Department's determination is based on the totality of the State's data and information, including the State's FFY 2011 APR and revised SPP, other State-reported data, and other publicly available information. The State's data are reflected in a new 2013 Compliance Matrix (Compliance Matrix), described below.

Your State's determination is based on the data reflected in the enclosed "2013 Part B Compliance Matrix" that the Office of Special Education Programs (OSEP) completed based on the State's data. Also, enclosed is the document entitled, "How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2013: Part B," which provides a detailed description of how OSEP evaluated States' data using the Compliance Matrix. The Compliance Matrix reflects the compliance data summarized in the State's FFY 2011 APR/SPP Response Table.

The enclosed Maryland FFY 2011 Response Table provides OSEP's analysis of the State's FFY 2011 APR and revised SPP. The Response Table includes: (1) the Indicators; (2) the Results Data Summary; (3) the Results Data Summary Notes; (4) the Compliance Data Summary; and (5) the Compliance Data Summary Notes. In the Results Data Summary and the Compliance Data Summary, the Response Table sets forth, by indicator, the State's: (1) reported FFY 2010 data; (2) reported FFY 2011 data; and (3) FFY 2011 target(s), in a concise "dashboard" format. The Compliance Data Summary also includes a column that reflects the number of findings of noncompliance identified in FFY 2010, and the correction of those findings. In the "Notes" sections following the Results Data Summary and the Compliance Data Summary, OSEP has provided more detailed information regarding specific indicators, including, where appropriate, information regarding: (1) the State's correction of any remaining findings of noncompliance identified in years prior to FFY 2010; (2) any issues with the validity and reliability of the data that the State reported; and (3) any required actions. It is important that the State read the information for each indicator in the Results Data Summary and the Compliance Data Summary together with any Notes for that indicator.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

We are also enclosing with this letter a Data Display, which presents certain State-reported data in a transparent, user-friendly manner. The Data Display will be helpful for the public in getting a broader picture of State performance in key areas.

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 120 days after the State's submission of its FFY 2011 APR. 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. *See*, IDEA section 616(a)(1)(C) and 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 IDEA section 616(b)(2)(C)(ii)(I) and 34 CFR §300.602(b)(1)(i)(B).

As you know, OSEP is redesigning its accountability system to more directly support States in improving results for infants, toddlers, children and youth with disabilities, and their families. Section 616 of the IDEA requires that the primary focus of IDEA monitoring must be on improving educational results and functional outcomes for children with disabilities, and ensuring that States meet the IDEA program requirements. The monitoring system implemented between 2004 and 2012 placed a heavy emphasis on compliance and we are moving towards a more balanced approach that considers results as well as compliance.

OSEP is committed to several key principles to guide the development of a results-driven accountability system, including transparency, stakeholder involvement, and burden reduction. In support of these principles, we are taking a number of steps. First, we solicited input from special education, early intervention, assessment, and early childhood outcomes experts, and gathered input from the public through conference calls, a blog on the Department's Web site, and through multiple meetings and conferences. Next, OSEP published for comment a new SPP/APR package for FFYs 2013 through 2018 that significantly reduces data collection and reporting burden by States, and shifts the focus of the SPP/APR to improving educational results and functional outcomes for children with disabilities. Third, as explained above, this year OSEP has incorporated compliance data into a matrix that is helpful in simultaneously processing multiple sets of data, and has used this matrix in making determinations. This Compliance Matrix includes a color-coded system (green, yellow, red) that provides a visual representation of a State's performance. Finally, as we move forward in using results data in determinations, OSEP will provide the public with an opportunity to comment on how we will use results when making IDEA determinations in 2014 under section 616.

OSEP recognizes the State's efforts to improve results for children and youth with disabilities and looks forward to working with your State over the next year as we continue our important work of improving the lives of children with disabilities and their families. 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,

A handwritten signature in cursive script that reads "Melody Musgrove".

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 2013: 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 about a State. This includes the State's FFY 2011 Annual Performance Report (APR)/State Performance Plan (SPP); information from monitoring and other public information, such as Special Conditions on the State's grant award under Part B; and other issues related to State compliance with the IDEA.

As further detailed below, in making each State's 2013 determination, the Department used a Compliance Matrix, reflecting the following data:

1. The State's FFY 2011 data for Part B Compliance Indicators 4B, 9, 10, 11, 12, 13, 15, and 20 (including whether the State reported valid and reliable data for each indicator); and, if the data reported under Indicators 11, 12, and 13 reflected compliance between 90% and 95% (or for Indicators 4B, 9, and 10 were between 5% and 10%), whether the State demonstrated correction of all findings of noncompliance it had identified in FFY 2010 under such indicators;
2. The State's FFY 2011 data, reported under section 618 of the IDEA, for the timeliness of State complaint and due process hearing decisions;
3. Whether the Department imposed Special Conditions on the State's FFY 2012 Part B grant award and those Conditions are in effect at the time of the determination, and the number of years for which the State's Part B grant award has been subject to Special Conditions; and
4. Whether there are any findings of noncompliance identified in FFY 2009 or earlier by either the Department or the State that the State has not yet corrected.

As further detailed below, the Compliance Matrix indicates a score of 0, 1, or 2, for each of the compliance indicators in item one above and for the additional factors listed in items two through four above. Using the cumulative possible number of points as the denominator, and using as the numerator the actual points the State received in its scoring under these factors, the Compliance Matrix reflects a percentage score that was used to determine the State's 2013 determination as follows:

1. Meets Requirements – a State's 2013 determination is Meets Requirements if the matrix percentage was at least 90%.¹
2. Needs Assistance -- a State's 2013 determination is Needs Assistance if the matrix percentage was at least 75%, but less than 90%.

¹ In determining whether a State has met this 90% matrix criterion, the Department will round up from 89.5% (but no lower) to 90%. Similarly, in determining whether a State has met the 75% matrix criterion discussed below, the Department will round up from 74.5% (but no lower) to 75%.

3. Needs Intervention -- a State's 2013 determination is Needs Intervention if the matrix percentage was less than 75%, and a State met one or more of the following criteria (which were the criteria for a determination of Needs Intervention in 2012):
- Compliance below 50% for Indicators 11, 12, 13, or 15, or for timely State complaint decisions or timely due process decisions; or above 50% for Indicators 4B, 9 or 10;
 - The State provided no data or did not provide valid and reliable data for Indicators 4B, 9, 10, 11, 12, 13, or 15; or
 - The State has been subject to Special Conditions for multiple years for failing to comply with key IDEA requirements, the noncompliance has been long-standing, the State's data in response to the Department's FFY 2012 Special Conditions demonstrate continued noncompliance, and those Special Conditions are in effect at the time of the 2013 determination.

Needs Substantial Intervention – The Department did not make a determination of Needs Substantial Intervention for any State in 2013.

Detailed Discussion of the 2013 Part B Compliance Matrix

Scoring of the Matrix for Compliance Indicators 4B, 9, 10, 11, 12, and 13

In the attached State-specific 2013 Part B Compliance Matrix, a State received points as follows for each of Compliance Indicators 4B, 9, 10, 11, 12, and 13²:

- Two points, if either:
 - The State's FFY 2011 data for the indicator were valid and reliable, and reflect at least 95%³ compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 5%)⁴; or
 - The State's FFY 2011 data for the indicator were valid and reliable, and reflect at least 90% compliance (or, for Indicators 4B, 9, and 10, reflect no greater than 10%); and the State identified one or more findings of noncompliance in FFY 2010 for the indicator, and has demonstrated correction of all findings of noncompliance identified in FFY 2010 for the indicator. Such full correction is indicated in the matrix with a "Y" (for

² A notation of "NA" (for not applicable) in the "Performance" column for an indicator denotes that the indicator is not applicable to that particular State. The points for that indicator are not included in the denominator for the matrix, and the indicator does not impact the final matrix percentage for the State or its determination.

³ In determining whether a State has met this 95% compliance criterion, the Department will round up from 94.5% (but no lower) to 95%. Similarly, in determining whether a State has met the 90% criterion discussed below, the Department will round up from 89.5% (but no lower) to 90%. In addition, in determining whether a State has met the 75% criterion discussed below, the Department will round up from 74.5% (but no lower) to 75%.

⁴ For Indicators 4B, 9, and 10 a very high level of compliance is generally at or below 5%.

yes) in the “Full Correction of Findings of Noncompliance Identified in FFY 2010” column.⁵

- One point, if the State’s FFY 2011 data for the indicator were valid and reliable, and reflect at least 75% compliance (or for Indicators 4B, 9, and 10 reflect no greater than 25%), and the State did not meet either of the criteria above for two points.
- Zero points, under any of the following circumstances:
 - The State’s FFY 2011 data for the indicator reflect less than 75% compliance (or, for Indicators 4B, 9, and 10, reflect greater than 25%); or
 - The State’s FFY 2011 data for the indicator were not valid and reliable;⁶ or
 - The State did not report FFY 2011 data for the indicator.⁷

Scoring of the Matrix for Compliance Indicators 15 and 20

In the attached State-specific 2013 Part B Compliance Matrix, a State received points as follows for each of Compliance Indicators 15 and 20:

- Two points, if the State’s FFY 2011 data for the indicator were valid and reliable, and reflect at least 95% compliance.
- One point, if the State’s FFY 2011 data for the indicator were valid and reliable, and reflect at least 75% and less than 95% compliance.
- Zero points, under any of the following circumstances:
 - The State’s FFY 2011 data for the indicator reflect less than 75% compliance; or
 - The State’s FFY 2011 data for the indicator were not valid and reliable; or
 - The State did not report FFY 2011 data for the indicator.

Scoring of the Matrix for Timely State Complaint Decisions and Timely Due Process Hearing Decisions

In the attached State-specific 2013 Part B Compliance Matrix, a State received points as follows for timely State complaint decisions and for timely due process hearings, as reported by the State under section 618 of the IDEA:

⁵ An “N” (for no) in that column denotes that the State has one or more remaining findings of noncompliance identified in FFY 2010 for which the State has not yet demonstrated correction. An “NA” (for not applicable) in that column denotes that the State did not identify any findings of noncompliance in FFY 2010 for the indicator.

⁶ If a State’s FFY 2011 data for any compliance indicator are not valid and reliable, the matrix so indicates in the “Performance” column, with a corresponding score of 0. The explanation of why the State’s data are not valid and reliable is contained in the attached compliance data summary notes.

⁷ If a State reported no FFY 2011 data for any compliance indicator, the matrix so indicates in the “Performance” column, with a corresponding score of 0.

- Two points, if the State's FFY 2011 data were valid and reliable, and reflect at least 95% compliance.
- One point, if the State's FFY 2011 data reflect at least 75% and less than 95% compliance.
- Zero points, if the State's FFY 2011 data reflect less than 75% compliance.
- Not Applicable (NA), if the State's data reflect less than 100% compliance, and there were fewer than ten State complaint decisions or ten due process hearing decisions.

Scoring for Long-Standing Noncompliance (Includes both Uncorrected Identified Noncompliance and Special Conditions)

In the attached State-specific 2013 Part B Compliance Matrix, a State received points as follows for the Long-Standing Noncompliance component:

- Two points, if the State has:
 - No remaining findings of noncompliance identified in FFY 2009 or earlier, by OSEP or the State; and
 - No Special Conditions on its FFY 2012 grant award that are in effect at the time of the 2013 determination.
- One point, if either or both of the following occurred:
 - The State has remaining findings of noncompliance, identified by OSEP or the State, in FFY 2009, FFY 2008, and/or FFY 2007, for which the State has not yet demonstrated correction (see the FFY 2011 Response Table for specific information regarding these remaining findings of noncompliance); and/or
 - The Department has imposed Special Conditions on the State's FFY 2012 Part B grant award and those Special Conditions are in effect at the time of the 2013 determination.
- Zero points, if either or both of the following occurred:
 - The State has remaining findings of noncompliance, identified by OSEP or the State, in FFY 2006 or earlier, for which the State has not yet demonstrated correction (see the FFY 2011 Response Table for specific information regarding these remaining findings of noncompliance); and/or
 - The Department has imposed Special Conditions on, at a minimum, the State's last three (FFY 2010, FFY 2011, and FFY 2012) IDEA Part B grant award, and those Special Conditions are in effect at the time of the 2013 determination.

Maryland Part B Compliance Matrix

Part B Compliance Indicator ¹	Performance	Full Correction of Findings of Noncompliance Identified in FFY 2010	Score
Indicator 4B: Significant discrepancy, by race and ethnicity, in the rate of suspension and expulsion, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements.	0.00%	Y	2
Indicator 9: Disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification.	0.00%	N/A	2
Indicator 10: Disproportionate representation of racial and ethnic groups in specific disability categories due to inappropriate identification.	0.00%	N/A	2
Indicator 11: Timely initial evaluation	97.79%	Y	2
Indicator 12: IEP developed and implemented by third birthday	99.89%	Y	2
Indicator 13: Secondary transition	97.50%	Y	2
Indicator 15: Timely correction	98.08%		2
Indicator 20: Timely and accurate State-reported data	97.82%		2
Timely State Complaint Decisions	98.80%		2
Timely Due Process Hearing Decisions	100.00%		2
Longstanding Noncompliance			2
Special Conditions	NONE		
Uncorrected identified noncompliance	NONE		
	Total Compliance Score		22

Points Earned	Total Possible Points	%	Determination
22	22	100.00%	MEETS REQUIREMENTS (green)

1. The complete language for each indicator is located on page one of the State's Part B FFY 2011 SPP/APR Response Table.

Data Display: Maryland

Identification of Children with Disabilities

STUDENT ENROLLMENT, AGES 6 THROUGH 21

Student Category	State		Nation	
	Students (#)	Students (%)	Students (#)	Students (%)
All students	760,130		45,056,472	
Children with disabilities (IDEA)	90,449	11.9	5,789,884	12.9

Explanatory Note: The number and percentage of total students enrolled in public schools in the state and nation as of October 1, 2010 (or the closest day to October 1) for all grade levels from grade 1 through grade 12, as well as ungraded. The number and percentage of children with disabilities (IDEA) in the state and nation as of the state-designated child count date (between October 1 and December 1, 2011). Children with disabilities (IDEA) are served under the Individuals with Disabilities Education Act (IDEA). Data reported for IDEA 2011 Child Count and the 2010-11 Common Core of Data (CCD). National data represent the US and Outlying Areas. (Data Sources: <http://www.ideadata.org> and <http://nces.ed.gov/ccd/elsi/>).

PERCENT OF POPULATION WHO ARE CHILDREN WITH DISABILITIES (IDEA), AGES 3 THROUGH 21

Age	State (%) SY 2009-10	State (%) SY 2010-11	State (%) SY 2011-12	Nation (%) SY 2011-12
3 through 5	5.7	5.9	5.9	6.0
6 through 21	7.5	7.3	7.4	8.4

Explanatory Note: The percentage of the population who are children with disabilities (IDEA) in the state and nation as of the state designated special education child count date, for the age ranges of 3 through 5 and 6 through 21. National data represent the 50 states, DC, PR, and BIE. Data reported for IDEA 2011 Child Count and Census. (Data Source: <http://www.ideadata.org>).

PERCENT OF CHILDREN WITH DISABILITIES (IDEA) BY DISABILITY CATEGORY, AGES 6 THROUGH 21

Disability Category	Percent of Overall Student Enrollment	
	State (%)	Nation (%)
Autism	1.11	0.90
Deaf-blindness	0.00	0.00
Emotional disturbance	0.94	0.82
Hearing impairment	0.13	0.15
Intellectual disability	0.68	0.96
Multiple disabilities	0.45	0.28
Orthopedic impairment	0.04	0.12
Other health impairment	2.09	1.63
Specific learning disabilities	4.20	5.23
Speech or language impairment	1.89	2.38
Traumatic brain injury	0.03	0.06
Visual impairment	0.04	0.06

Explanatory Note: The percentage of enrollees who are children with disabilities (IDEA), by disability category, in the state and nation for the age range of 6 through 21 (excluding children with developmental delays). For this calculation, the numerator is the number of children with disabilities (IDEA) in a specific disability category as of the state-designated special education child count date (between October 1 and December 1, 2011) for ages 6 through 21 (excluding children with developmental delays) and the denominator is the total number of students enrolled in public schools as of October 1, 2010 (or the closest school day to October 1) for all grade levels from grade 1 through grade 12, as well as ungraded. National data represent the US and Outlying Areas. Data reported for IDEA 2011 Child Count and 2010-11 CCD. (Data Sources: <http://www.ideadata.org> and <http://nces.ed.gov/ccd/elsi/>).

PERCENT OF CHILDREN WITH DISABILITIES BY DISABILITY CATEGORY, AGES 3 THROUGH 21				
Disability Category	CWDs (IDEA), Ages 3-5		CWDs (IDEA), Ages 6-21	
	State (%)	Nation (%)	State (%)	Nation (%)
All disabilities	100	100	100	100
Autism	6.0	6.9	9.6	7.2
Deaf-blindness	0.0	0.0	0.0	0.0
Developmental delay*	52.2	37.2		
Emotional disturbance	0.1	0.4	8.1	6.5
Hearing impairment	1.1	1.3	1.1	1.2
Intellectual disability	0.4	1.6	5.9	7.6
Multiple disabilities	1.1	1.1	3.9	2.2
Orthopedic impairment	0.3	1.0	0.3	1.0
Other health impairment	1.8	2.8	18.0	12.9
Specific learning disabilities	0.1	1.2	36.2	41.5
Speech or language impairment	36.5	45.9	16.3	18.9
Traumatic brain injury	0.1	0.1	0.3	0.4
Visual impairment	0.2	0.5	0.3	0.5
*Developmental delay is only allowable through age 9, so a 6-21 percentage cannot be calculated.				
Explanatory Note: The percentage represents a distribution of children with disabilities (IDEA) by disability category for age ranges 3 through 5 and 6 through 21 (excluding children with developmental delays). For this calculation, the denominator is all children with disabilities (IDEA) for the specified age range, excluding developmental delays for ages 6 through 21. National data represent the US and Outlying Areas. Data reported for IDEA 2011 Child Count. (Data Source: http://www.ideadata.org).				

Graduation Rates

FOUR-YEAR REGULATORY ADJUSTED COHORT GRADUATION RATE		
	SY 2010-11	
	CWDs (IDEA) (%)	All Students (%)
Graduation Rate	57	83
Explanatory Note: The percentage of students from the original cohort who graduated in four years with a regular high school diploma. Data reported for CSPR purposes. (Data Source: http://www.eddataexpress.ed.gov).		

Educational Environment

EDUCATIONAL ENVIRONMENTS, AGES 3 THROUGH 5				
Disability Category	CWDs Attending and Receiving the Majority of Special Education and Related Services in a Regular Early Childhood Program		CWDs Attending a Separate Special Education Class, Separate School, or Residential Facility	
	State (%)	Nation (%)	State (%)	Nation (%)
All disabilities	63.6	41.7	x	26.9
Autism	39.8	33.4	45.6	48.7
Deaf-blindness	0.0	35.4	0.0	45.9
Developmental delay	64.4	42.4	x	35.7
Emotional disturbance	x	45.5	x	25.5
Hearing impairment	33.3	36.1	50.0	42.9
Intellectual disability	x	32.2	x	49.3
Multiple disabilities	28.4	24.0	56.1	52.3
Orthopedic impairment	x	41.6	x	37.3
Other health impairment	50.4	43.6	34.8	30.9
Specific learning disabilities	x	52.0	0.0	14.2
Speech or language impairment	69.3	42.9	3.0	14.4
Traumatic brain injury	x	32.4	x	35.8
Visual impairment	x	43.1	x	35.0

Explanatory Note: The percentage of children with disabilities (IDEA) in the state and nation by disability category attending a regular early childhood program, or a separate special education class, separate school, or residential facility. Note that this table does not include all reported preschool educational environment categories. The denominator is all children with disabilities (IDEA), ages 3 through 5, in the specified disability category. National data represent the US and Outlying Areas. Data reported for IDEA 2011 Educational Environment. (Data source: <http://www.ideadata.org>).

EDUCATIONAL ENVIRONMENTS, AGES 6 THROUGH 21								
Disability Category	Percent of Time Spent Inside the Regular Classroom						Separate School or Residential Facility	
	≥ 80% of Day		40 to 79% of Day		< 40% of Day			
	State (%)	Nation (%)	State (%)	Nation (%)	State (%)	Nation (%)	State (%)	Nation (%)
<i>All disabilities</i>	68.8	61.1	11.1	19.8	14.0	14.0	6.9	3.3
<i>Autism</i>	41.8	39.0	13.2	18.2	27.5	33.7	16.8	8.2
<i>Deaf-blindness</i>	x	27.0	x	10.5	x	32.6	x	26.4
<i>Emotional disturbance</i>	37.8	43.1	11.7	18.0	21.4	20.6	25.7	15.1
<i>Hearing impairment</i>	46.0	56.7	8.4	16.8	11.6	13.0	31.7	12.0
<i>Intellectual disability</i>	12.7	17.0	21.5	26.6	56.1	48.8	x	6.5
<i>Multiple disabilities</i>	25.3	13.0	10.0	16.4	25.5	46.2	36.9	20.9
<i>Orthopedic impairment</i>	61.3	54.0	14.4	16.3	15.8	22.2	6.5	4.8
<i>Other health impairment</i>	76.3	63.5	11.1	22.7	9.2	10.0	x	1.8
<i>Specific learning disabilities</i>	79.4	66.2	11.7	25.1	7.2	6.8	x	0.6
<i>Speech or language impairment</i>	90.9	86.9	3.3	5.5	1.9	4.5	x	0.3
<i>Traumatic brain injury</i>	x	48.5	17.2	22.8	20.4	20.4	x	5.7
<i>Visual impairment</i>	74.6	64.3	x	13.1	x	11.3	x	9.6

Explanatory Note: The percentage of children with disabilities (IDEA) in the state and nation by disability category (excluding children with developmental delays) attending regular classrooms, or separate schools and residential facility. Note that this table does not include all reported educational environment categories. The denominator is all children with disabilities (IDEA), ages 6 through 21 (excluding children with developmental delays), in a specified disability category. National data represent the US and Outlying Areas. Data reported for IDEA 2011 Educational Environment. (Data source: <http://www.ideadata.org>).

Participation and Performance on Assessments

PARTICIPATION OF CHILDREN WITH DISABILITIES (IDEA) IN STATEWIDE ASSESSMENTS			
Grade and Subject Assessed	General Assessment (%)	Alternate Assessment (%)	Non-participant (%)
<i>4th grade reading/language arts</i>	75	24	0
<i>8th grade reading/language arts</i>	68	31	2
<i>High school reading/language arts</i>	53	46	1
<i>4th grade mathematics</i>	76	23	0
<i>8th grade mathematics</i>	66	33	2
<i>High school mathematics</i>	53	46	1

Explanatory Note: The percentage of children with disabilities (IDEA) who participated in statewide assessments for reading and mathematics for 4th grade, 8th grade, and one grade in high school. The denominator is the sum of children with disabilities (IDEA) who participated and children with disabilities (IDEA) who did not participate in statewide assessments (excluding those with a significant medical emergency who did not take the assessment). Preliminary data reported for IDEA and CSPR 2011-12 Assessment, accessed 6/3/2013. (Data source: EDFacts SY 2011-12).

PERFORMANCE ON STATEWIDE ASSESSMENTS			
Grade and Subject Assessed	Proficient (%)		
	General Assessment (CWD)	Alternate Assessment (CWD)	General Assessment (All Students)
<i>4th grade reading/language arts</i>	75	62	90
<i>8th grade reading/language arts</i>	51	58	81
<i>High school reading/language arts</i>	55	49	83
<i>4th grade mathematics</i>	70	56	90
<i>8th grade mathematics</i>	37	42	70
<i>High school mathematics</i>	55	41	84

Explanatory Note: The percentage of students in the state who scored at or above proficient (as determined by each state) on an assessment for all students and children with disabilities (IDEA) in 4th grade, 8th grade, and high school, and the percentage of students with disabilities in the state who scored at or above proficient (as determined by each state) on the alternate assessment. Preliminary data reported for IDEA and CSPR 2011-12 Assessment, accessed 6/3/2013. (Data source: EDFacts SY 2011-12).

PERFORMANCE ON 2011 NAEP ASSESSMENTS				
Grade and Subject Assessed	At or Above (%)			
	Basic (CWD)	Basic (Non-CWD)	Proficient (CWD)	Proficient (Non-CWD)
<i>4th grade reading/language arts</i>	56	76	25	44
<i>8th grade reading/language arts</i>	52	81	11	41
<i>High school reading/language arts</i>				
<i>4th grade mathematics</i>	71	87	28	49
<i>8th grade mathematics</i>	37	76	8	42
<i>High school mathematics</i>				

Explanatory Note: The percentage of students in the state who scored at or above the Basic level and at or above the Proficient level on the National Assessment of Educational Progress (NAEP), for children with disabilities (IDEA) and children without disabilities. Elementary and Secondary Education Act (ESEA) requires states that receive Title I funding to participate in the state NAEP in reading and mathematics at grades 4 and 8 every two years. State NAEP does not provide individual scores for the students or schools assessed. Instead, NAEP provides results about subject-matter achievement, instructional experiences, and school environment, and reports these results for populations of students (e.g., fourth-graders) and subgroups of those populations (e.g., children with disabilities (IDEA)). (Data source: National Assessment of Educational Progress (NAEP), 2011).

EXCLUSION RATES FOR 2011 NAEP ASSESSMENTS

Grade and Subject Assessed	Exclusion Rate	
	State (%)	Nation (%)
<i>4th grade reading/language arts</i>	59	23
<i>8th grade reading/language arts</i>	62	24
<i>High school reading/language arts</i>		
<i>4th grade mathematics</i>	38	15
<i>8th grade mathematics</i>	51	19
<i>High school mathematics</i>		

Explanatory Note: The percentage of students identified as having a disability who were excluded from the NAEP assessment. National exclusion rates were based on figures available under "National (public)" on The Nation's Report Card website: <http://nationsreportcard.gov/>. (Data source: National Assessment of Educational Progress (NAEP), 2011).

Race/Ethnicity

PERCENT OF STATE CWDS BY RACE/ETHNICITY, AGES 6 THROUGH 21

Disability Category	Hispanic/ Latino (%)	Black or African American (%)	White (%)	Asian (%)	American Indian or Alaska Native (%)	Native Hawaiian or Other Pacific Islander (%)	Two or more races (%)	All Race/ Ethnicities (%)
<i>All students</i>	11.0	35.7	43.6	5.8	0.3	0.1	3.4	100
<i>All disabilities</i>	10.7	43.4	40.0	2.5	0.3	0.1	2.9	100
<i>Autism</i>	7.3	33.7	49.5	5.8	x	x	3.4	100
<i>Deaf-blindness</i>	x	x	70.6	0.0	0.0	0.0	x	100
<i>Emotional disturbance</i>	3.9	58.5	33.6	0.7	x	x	2.7	100
<i>Hearing impairment</i>	11.6	28.4	50.1	7.8	x	x	1.8	100
<i>Intellectual disability</i>	8.5	55.1	31.3	2.8	x	x	2.0	100
<i>Multiple disabilities</i>	7.5	36.9	48.9	2.9	x	x	3.5	100
<i>Orthopedic impairment</i>	11.6	43.2	37.3	4.5	x	0.0	x	100
<i>Other health impairment</i>	7.7	44.9	42.4	1.4	0.4	0.1	3.1	100
<i>Specific learning disabilities</i>	14.2	45.7	35.6	1.5	0.3	0.1	2.7	100
<i>Speech or language impairment</i>	12.2	33.0	47.0	4.1	0.3	0.1	3.4	100
<i>Traumatic brain injury</i>	x	43.6	42.4	2.8	x	x	2.8	100
<i>Visual impairment</i>	9.7	x	39.4	8.6	0.0	0.0	x	100

Explanatory Note: The percentage of children with disabilities (IDEA), ages 6 through 21, in a particular disability category and particular race/ethnicity category in the state. The numerator is the number of children with disabilities (IDEA), ages 6 through 21, in a particular disability category and race/ethnicity category as of the state designated child count date (between October 1 and December 1, 2011) and the denominator is the total number of children with disabilities (IDEA), ages 6 through 21, in a particular disability category. The "All Student" row is calculated using the total number of students enrolled in public schools in grade 1 through grade 12, as well as ungraded, in the state as of October 1, 2010 (or the closest day to October 1). Data reported for IDEA 2011 Child Count and 2010-11 CCD. (Data Source: <http://www.ideadata.org> and <http://nces.ed.gov/ccd/elsi/>).

Data Display: Maryland

PERCENT OF STATE CWDS BY EDUCATIONAL ENVIRONMENT AND RACE/ETHNICITY, AGES 6 THROUGH 21

Educational Environment	Hispanic/ Latino (%)	Black or African American (%)	White (%)	Asian (%)	American Indian or Alaska Native (%)	Native Hawaiian or Other Pacific Islander (%)	Two or more races (%)	All Race/ Ethnicities (%)
<i>≥ 80% of day spent inside regular classroom</i>	69.4	60.0	73.9	63.8	64.7	71.0	75.5	67.1
<i>40 to 79% of day spent inside regular classroom</i>	12.9	12.2	8.8	10.7	12.9	13.0	8.6	10.8
<i>< 40% of day spent inside regular classroom</i>	13.3	18.9	8.2	16.4	11.9	8.7	9.4	13.7
<i>Separate school; Residential facility</i>	3.8	7.5	6.7	x	x	x	x	6.7

Explanatory Note: The percentage of children with disabilities (IDEA), ages 6 through 21, in a particular race/ethnicity category and particular educational environment in the state. The numerator is the number of children with disabilities (IDEA), ages 6 through 21, in a particular race/ethnicity category and particular educational environment as of the state-designated child count date (between October 1 and December 1, 2011) and the denominator is the total number of children with disabilities (IDEA), ages 6 through 21, in a particular race/ethnicity category. Data reported for IDEA 2011 Educational Environments. (Data Source: <http://www.ideadata.org>).

TOTAL DISCIPLINARY REMOVALS IN STATE BY RACE/ETHNICITY, AGES 3 THROUGH 21

Student Group	Hispanic/ Latino (%)	Black or African American (%)	White (%)	Asian (%)	American Indian or Alaska Native (%)	Native Hawaiian or Other Pacific Islander (%)	Two or more races (%)	All Race/ Ethnicities (%)
<i>Number of Disciplinary Removals per Child with a Disability</i>	0.1	0.4	0.2	0.1	0.3	0.1	0.3	0.3

Explanatory Note: The number of disciplinary removals per child with a disability (IDEA), ages 3 through 21, by race/ethnicity category. The numerator is the total number of disciplinary removals in a particular race/ethnicity category and the denominator is the total number of children with disabilities (IDEA), ages 3 through 21, in a particular race/ethnicity category as of the state-designated child count date (between October 1 and December 1, 2011). Preliminary data reported for IDEA 2011-12 Discipline and 2011 Child Count, accessed 6/3/2013. (Data Sources: EDFacts SY 2011-12 and <http://www.ideadata.org>).

- x Data have been suppressed to protect small cell counts.
- Data not available.
- * Data flagged for additional data quality follow-up.

Note: Sum of percentages may not equal 100 percent because of rounding.

References: Additional state-level data on children with disabilities (IDEA) can be found at: <http://www.ideadata.org>, <http://www.data.gov>, and <http://www.eddataexpress.ed.gov>. Information on U.S. Department of Education Special Education funding can be found at: <http://www2.ed.gov/fund/grant/apply/osep/2011apps.html>

Parental Involvement

INDICATOR 8: PARENTAL INVOLVEMENT (FFY 2011 APR, 2013)	
	State (%)
<i>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.</i>	Preschool: 49.0% School Age: 42.0%
Explanatory Note: State-selected data source. Sampling of parents from whom a response is requested is allowed. Sample must yield valid and reliable data and must be representative of the population sampled.	

Preschool Outcomes

INDICATOR 7: PRESCHOOL OUTCOMES (FFY 2011 APR, 2013)	
Summary Statement 1: Of those children who entered the program below age expectations in each of the following outcome, the percent who substantially increased their rate of growth by the time they turned six years of age or exited the program in the outcome of:	State (%)
<i>Positive social-emotional skills</i>	69.2
<i>Acquisition and use of knowledge and skills</i>	70.4
<i>Use of appropriate behaviors to meet their needs</i>	65.5
Summary Statement 2: The percent of children who were functioning within age expectations in each of the following outcomes by the time they turned six years of age or exited the program	State (%)
<i>Positive social-emotional skills</i>	69.5
<i>Acquisition and use of knowledge and skills</i>	60.4
<i>Use of appropriate behaviors to meet their needs</i>	67.0
Explanatory Note: State-selected data source. Sampling of children for assessment is allowed. Sample must yield valid and reliable data and must be representative of the population sampled.	

Post School Outcomes

INDICATOR 14: POST SCHOOL OUTCOMES (FFY 2011 APR, 2013)	
Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:	State (%)
<i>Enrolled in higher education within one year of leaving high school</i>	24.9
<i>Enrolled in higher education or competitively employed within one year of leaving high school</i>	57.8
<i>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</i>	86.0
Explanatory Note: State-selected data source. Sampling of youth who had IEPs and are no longer in secondary school is allowed. Sample must yield valid and reliable data and must be representative of the population sampled.	

Maryland Part B FFY 2011 SPP/APR Response Table

Part B SPP/APR Indicators

1. Percent of youth with IEPs <u>graduating from high school with a regular diploma.</u> [Results Indicator]
2. Percent of youth with IEPs <u>dropping out of high school.</u> [Results Indicator]
3. Statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP/AMO targets for the disability subgroup. [Results Indicator] B. Participation rate for children with IEPs on statewide assessments. [Results Indicator] C. Proficiency rate for children with IEPs <u>against grade level, modified and alternate academic achievement standards.</u> [Results Indicator]
4. Rates of suspension and expulsion 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; [Results Indicator] 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. [Compliance Indicator]
5. Percent of children with IEPs aged 6 through 21 served: A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; or C. In separate schools, residential facilities, or homebound/hospital placements. [Results Indicator]
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]
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]
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of <u>improving services and results for children with disabilities.</u> [Results Indicator]
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of <u>inappropriate identification.</u> [Compliance 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]
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. [Compliance Indicator]
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. [Compliance Indicator]
13. Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. [Compliance Indicator]
14. Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school; B. Enrolled in higher education or competitively employed within one year of leaving high school; C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school. [Results Indicator]
15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification. [Compliance Indicator]
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements. [Results Indicator]
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]

Timeliness of State Complaint and Due Process Hearing Decisions
(Collected as Part of IDEA Section 618 Data rather than through an SPP/APR Indicator)

Timely Resolution of State Complaints: 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.

Timely Adjudication of Due Process Hearing Requests: Percent of adjudicated due process hearing requests that were adjudicated within the 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.

Maryland Part B FFY 2011 SPP/APR Results Data Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
1. Graduation	72.33%	56.57%	≥ 90% ¹
2. Drop Out	4.46%	5.41%	≤ 3.27% ²
3. A. Percent of Districts Meeting AMO for Disability Subgroup		48%	New Baseline
B. Statewide Assessment Participation Rate – Reading	99.1%	99.17%	≥ 95%
B. Statewide Assessment Participation Rate – Math	99.23%	99.05%	≥ 95%
C. Proficiency Rate	See Attached Table	See Attached Table	See Attached Table
4. A. Percent of Districts with Significant Discrepancy in Suspension/Expulsion	16.7%	16.7%	≤ 8.3%
5. Educational Environment for Children with IEPs 6-21			
A. In Regular Education 80% or More of Day	66.14%	67.12%	≥ 62.61%
B. In Regular Education Less than 40% of Day	14.04%	13.66%	≤ 15.36%
C. In Separate Schools, Residential Facilities, or Homebound/Hospitals	7.12%	7.01%	≤ 6.32%
6. Percent of children aged 3 through 5 with IEPs attending:			
A. Regular early childhood program and receiving majority of special education and related services in regular early childhood program;		63.6%	Baseline
B. Separate special education class, separate school or residential facility.		19.6%	Baseline
7. Preschool Outcomes	See Attached Table	See Attached Table	See Attached Table
8. Parents Reporting Schools Facilitated Parent Involvement-School Age	40%	42%	≥ 36%
Parents Reporting Schools Facilitated Parent Involvement-Pre School	49%	49%	≥ 39%
14. Percent of Youth No Longer in School, within One Year of Leaving High School:			
A. Enrolled in Higher Education	29.36%	24.94%	≥ 50%
B. Enrolled in Higher Education or Competitively Employed	50.17%	57.79%	≥ 73%
C. Enrolled in Higher Education or Other Postsecondary Education or Training or Competitively Employed or in Some Other Employment	62.73%	85.99%	≥ 82%
18. Hearing Requests Resolved through Resolution Session Agreements	64.2%	70.5%	≥ 64-75%
19. Mediations Held that Resulted in Mediation Agreements	77.7%	76.6%	≥ 75-85%

¹ As used in this table, the symbol "≥" means that, to meet the target, the State's data must be greater than or equal to the established target.

² As used in this table, the symbol "≤" means that, to meet the target, the State's data must be less than or equal to the established target.

3.C. Statewide Assessments:

Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

Grade	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
	Reading	Reading	Reading	Math	Math	Math
3	68%	69.34%	≥ 83.64%	62.7%	63.37%	≥ 85.65%
4	71.5%	71.47%	≥ 88.45%	67%	66.09%	≥ 85.57%
5	70.3%	72.27%	≥ 85.68%	57.6%	61.01%	≥ 82.38%
6	59.4%	57.82%	≥ 86.50%	54.1%	54.13%	≥ 79.36%
7	57.3%	51.96%	≥ 85.75%	48.7%	49.68%	≥ 78.49%
8	55.1%	52.24%	≥ 84.45%	34.9%	37.96%	≥ 77.91%
HS	49.8%	51.56%	≥ 79.50%	48.6%	48.33%	≥ 73.67%

7. Percent of Preschool Children Age 3 through 5 with IEPs Who Demonstrate Improved Outcomes

Summary Statement 1³	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	68.9%	69.2%	≥ 68.9%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	69.5%	70.4%	≥ 69.5%
Outcome C: Use of appropriate behaviors to meet their needs	63.9%	65.52%	≥ 63.9%
Summary Statement 2⁴	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
Outcome A: Positive social-emotional skills (including social relationships)	67.5%	69.53%	≥ 67.5%
Outcome B: Acquisition and use of knowledge and skills (including early language/ communication)	55.2%	60.38%	≥ 55.2%
Outcome C: Use of appropriate behaviors to meet their needs	63.6%	67%	≥ 63.6%

³ **Summary Statement 1:** Of those preschool children who entered or exited the preschool program below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 6 years of age or exited the program.

⁴ **Summary Statement 2:** The percent of preschool children who were functioning within age expectations in each Outcome by the time they turned 6 years of age or exited the program.

Maryland Part B FFY 2011 Results Data Summary Notes

INDICATOR 1: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.
INDICATOR 2: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.
INDICATOR 3A: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions. The State has reported FFY 2011 baseline data for this indicator based on Annual Measurable Objectives (AMOs). The State is reporting AMO data used for accountability reporting under Title I of the Elementary and Secondary Education Act (ESEA) as a result of ESEA flexibility.
INDICATOR 3B: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions. The State provided a Web link to 2011 publicly-reported assessment results.
INDICATOR 3C: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions. The State provided a Web link to 2011 publicly-reported assessment results.

INDICATOR 4A: The State reported its definition of "significant discrepancy."

The State reported that four districts were identified as having a significant discrepancy in the rate of suspensions and expulsions of greater than ten days in a school year for children with IEPs.

The State reported that 20 of the 24 districts did not meet the State-established minimum "n" size requirement of 30 students with disabilities.

The State reported that it reviewed the districts' 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 districts identified with significant discrepancies in FFY 2011. The State identified noncompliance through this review.

The State reported that it revised (or required the affected district to revise), the district'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 districts identified with significant discrepancies in FFY 2011.

The State reported that noncompliance identified in FFY 2010 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected in a timely manner.

For the district identified with significant discrepancies in FFY 2009 whose policies, procedures and practices were reviewed, consistent with 34 CFR §300.170(b), the State reported on whether there were changes to the policies, procedures, and practices since the last review; if so, whether those changes comply with requirements regarding 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); and whether practices in this area continue to comply with applicable requirements.

In addition, the State reported that one of two remaining findings of noncompliance identified in FFY 2008 was corrected and the one remaining finding was in a district that is under a Court Approved Settlement Agreement.

INDICATOR 4A:

The State reported that noncompliance identified in FFY 2008 as a result of the review it conducted pursuant to 34 CFR §300.170(b) was partially corrected.

REQUIRED ACTIONS

The State must report, in its FFY 2012 APR, on the correction of noncompliance that the State identified in FFY 2011 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 Memo 09-02.⁵ In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

When reporting on the correction of this noncompliance, the State must demonstrate in the FFY 2012 APR that it has verified that each district with remaining noncompliance identified in FFY 2008 is correctly implementing the specific regulatory requirement(s).

INDICATOR 6: The State provided FFY 2011 baseline data, targets for FFY 2012, and improvement activities through FFY 2012 for this indicator, and OSEP accepts the State's submission for this indicator. The State reported that stakeholders were provided an opportunity to comment on the targets for FFY 2012.

INDICATOR 7:

REQUIRED ACTIONS

The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.

INDICATOR 14: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

⁵ OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each LEA with noncompliance: (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.

Maryland Part B FFY 2011 SPP/APR Compliance Summary

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
4B. Significant discrepancy in suspension/expulsion by race/ethnicity, and policies, procedures or practices that contribute to the significant discrepancy and do not comply with specified requirements	4.1%	0%	0%	The State reported that the finding of noncompliance identified in FFY 2010 was corrected in a timely manner.
9. Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.	0%	0%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
10. Disproportionate representation by disability of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	0%	0%	0%	The State reported that it did not identify any findings of noncompliance in FFY 2010.
11. Timely Initial Evaluation	97.71%	97.79%	100%	The State reported that 22 of 23 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that the remaining finding was subsequently corrected by February 15, 2013.
12. Early Childhood Transition	99.17%	99.89%	100%	The State reported that both of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
13. Secondary Transition	95.27%	97.5%	100%	The State reported that all 429 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET	CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010
15. Timely Correction	97.51%	98.08%	100%	The State reported that 1,789 of 1,824 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that 34 findings were subsequently corrected by February 15, 2013. The State reported on the actions it took to address the uncorrected noncompliance.
20. Timely and Accurate Data	95.45%	97.82%	100%	

Maryland Part B FFY 2011 State Complaint and Hearing Data from IDEA Section 618 Data Reports

REQUIREMENT	FFY 2010 DATA	FFY 2011 DATA
Timely resolution of complaints	100%	98.8%
Timely adjudication of due process hearing requests	100%	100%

Maryland Part B FFY 2011 Compliance Data Summary Notes

INDICATOR 4B: The State reported its definition of “significant discrepancy.”

The State reported that four 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 reported that it reviewed the districts’ 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 districts identified with significant discrepancies in FFY 2010.

The State did not identify any noncompliance through this review.

The State reported that 20 of 24 districts did not meet the State-established minimum “n” size requirement of “30 children with disabilities in a particular race/ethnic group suspended for greater than ten days.”

For districts identified with significant discrepancies in FFY 2010 whose policies, procedures, and practices were reviewed, consistent with 34 CFR §300.170(b), the State did not report on whether there were changes to the policies, procedures, and practices since the last review; if so, whether those changes comply with requirements regarding 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); and whether practices in this area continue to comply with applicable requirements.

The State reported that the noncompliance identified in FFY 2010 through the review of policies, procedures, and practices, pursuant to 34 CFR §300.170(b), was corrected in a timely manner. The State also reported that noncompliance identified in FFY 2009 through the review of policies, procedures, and practices, pursuant to 34 CFR §200.170(b) was subsequently corrected.

REQUIRED ACTIONS

The State did not report the results of the review it conducted pursuant to 34 CFR §300.170(b) for the districts identified with significant discrepancies in FFY 2010. In the FFY 2012 APR, the State must report whether, as a result of the review, the State revised, or required the affected districts to revise 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 for the districts identified with noncompliance in FFY 2010.

INDICATOR 9: The State reported that no districts were identified with disproportionate representation of racial and ethnic groups in special education and related services.

The State provided its definition of “disproportionate representation.”

The State reported that three of 24 districts did not meet the State-established minimum “n” size requirement of 30 and were excluded from the calculation.

INDICATOR 10: 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.

The State provided its definition of "disproportionate representation."

The State reported that 20 of 24 districts did not meet the State-established minimum "n" size requirement of 30 and were excluded from the calculation.

INDICATOR 11:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 12:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 13:

REQUIRED ACTIONS

Because the State reported less than 100% compliance for FFY 2011, the State must report on the status of correction of noncompliance identified in FFY 2011 for this indicator. When reporting on the correction of noncompliance, the State must report, in its FFY 2012 APR, that it has verified that each LEA with noncompliance identified in FFY 2011 for this indicator: (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 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 15: The State reported that 1,789 of 1,824 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that 34 of 35 findings were subsequently corrected by February 15, 2013, and reported on the actions it took to address the uncorrected noncompliance.

The State reported that the one finding of noncompliance identified in FFY 2009 was corrected. The State reported that one of two findings of noncompliance identified in FFY 2008 was corrected, and the one remaining finding was in a district that is under a Court Approved Settlement Agreement. The State reported that one of the two remaining findings of noncompliance identified in FFY 2005 was corrected, and the one remaining finding was in a district that is under a Court Approved Settlement Agreement.

REQUIRED ACTIONS

The State must demonstrate in the FFY 2012 APR that the remaining finding of noncompliance identified in FFY 2010 that was not reported as corrected in the FFY 2011 APR was corrected.

When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each LEA with findings of noncompliance identified in FFY 2011, and the remaining findings identified in FFY 2010: (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 2012 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 2012 APR, the State must use and submit the Indicator 15 Worksheet.

The State's failure to correct longstanding noncompliance raises serious questions about the effectiveness of the State's general supervision system. The State must take the steps necessary to ensure that it can report, in the FFY 2012 APR, that it has corrected this noncompliance.

The State must take the steps necessary to ensure that it can report, in the FFY 2012 APR, that it has corrected the remaining finding identified in FFY 2005. If the State cannot report in the FFY 2012 APR that this noncompliance has been corrected, the State must report in the FFY 2012 APR: (1) the specific nature of the noncompliance; (2) the State's explanation as to why the noncompliance has persisted; (3) the steps that the State has taken to ensure the correction of the remaining finding of noncompliance, and any new or different actions the State has taken, since the submission of its FFY 2011 APR, to ensure such correction; and (4) any new or different actions the State will take to ensure such correction.

Further, in responding to Indicators 4A, 11, 12, and 13 in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.