



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 C of the Individuals with Disabilities Education Act (IDEA).

The Department has determined that, under IDEA sections 616(d)(2)(A)(i) and 642, Maryland meets the requirements of Part C 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. See the enclosure entitled "How the Department Made Determinations under Section 616(d) and 642 of the IDEA in 2011: Part C" for further details.

Specific factors affecting the determination made by the Office of Special Education Programs (OSEP) that Maryland meets requirements under IDEA sections 616(d) and 642 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 of previously identified findings of noncompliance for Indicators 1, 7, 8A, 8B, 8C, and 14; and (3) Maryland reported under Indicator 9 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 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 sections 616(b)(2)(C)(ii)(I) and 642, your State must report annually to the public on the performance of each early intervention services program (EIS program) located in the State on the targets in the SPP. In addition, your State must: (1) review EIS program performance against targets in the State's SPP; (2) determine if each EIS program "meets requirements" of Part C, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part C of the IDEA; (3) take appropriate enforcement action; and (4) inform each EIS program of its determination. For further information regarding these

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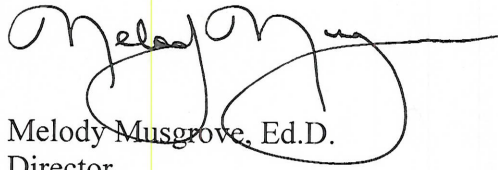
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requirements, see "The Right IDEA" website at: <http://therightidea.tadnet.org/determinations>.

Finally, please ensure that your updated SPP is posted on the State lead agency's Web site and made available to the public, consistent with IDEA sections 616(d)(2)(C)(ii)(I) and 642.

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 Jennifer Miley, your OSEP State Contact, at 202 – 245-6049.

Sincerely,

A handwritten signature in black ink, appearing to read "Melody Musgrove", with a long horizontal line extending to the right.

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

Enclosures

cc: Part C Coordinator

## **How the Department Made Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2011: Part C**

In making our determination for each State under sections 616(d) and 642 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 reflect the State's compliance with IDEA requirements.

With respect to data, for Indicators 1 through 13, 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 1, 7, 8, 9, 10, 11, and 14. 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 1, 7, and 8, if the State's FFY 2009 compliance data were at or above 75%, whether it had fully corrected FFY 2008 findings of noncompliance. Indicator 9 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 10 and 11 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 1, 7, 8, 10, 11, and 14; and (3) Reported under Indicator 9 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 1, 7, and 8 (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 1, 7, and 8, 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%), consistent with OSEP Memo 09-02. If a State did not meet these standards for substantial compliance for only one compliance indicator (including Indicators 9 and 14) 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%). 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 13.

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 1, 7, 8, 10 or 11 (generally below 50%, regardless of whether it reported correction of previously identified findings of noncompliance); or (2) Very low performance for Indicator 9 (generally below 50%) and the State did not report under Indicator 9 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 1, 7, 8, 9, 10, or 11. We also identified a State as “in need of intervention” if the State was subject to Departmental enforcement for multiple years for failing to comply with key IDEA requirements, the noncompliance has been longstanding, 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.

### Maryland Part C FFY 2009 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
<p><b>Status of data collection on children who received Part C services under IDEA section 635(c):</b> OSEP's FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in its FFY 2009 APR, due February 1, 2011, its data under APR Indicators 1, 2, 3, 4, 10, 11, and 13 on children who were three years or older and received services under IDEA section 635(c). The State is also responsible for monitoring for compliance for these children and will be required to report on these children in the FFY 2010 APR due February 1, 2012 under Indicator 9. In the State's FFY 2010 APR, the State must continue to include under APR Indicators 1, 2, 3, 4, 10, 11, and 13 eligible children who were three years or older and received services under IDEA section 635(c). OSEP appreciates the State's efforts to make Part C services available to children beyond age three under IDEA section 635(c).</p>		
<p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [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 97.3%. These data represent progress from the FFY 2008 data of 96.7%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 19 of its findings of noncompliance identified in FFY 2008 for this indicator were corrected in a timely manner.</p> <p>OSEP's FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR, due February 1, 2011, its data under APR Indicator 1 on children who were three years or older and received services under IDEA section 635(c), pursuant to the policy adopted by the State in FFY 2009. The State provided all of the required information.</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 service provision requirements in 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(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 EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.340(c), 303.342(e), and 303.344(f)(1) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected</p>



**Maryland Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>through on-site monitoring or a State data system; and (2) has initiated services, although late, for any child whose services were not initiated in a timely manner, unless the child is no longer within the jurisdiction of the EIS program, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP 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 does not report 100% compliance in the FFY 2010 APR, the State must review its improvement activities and revise them, if necessary.</p>
<p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.</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.</p> <p>The State's FFY 2009 reported data for this indicator are 97.3%. The State's data reflect a high level of performance for this indicator. The State met its FFY 2009 target of 90.5%.</p> <p>OSEP's FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR its data under APR Indicator 2 on children who were three years or older and received services under IDEA section 635(c) , pursuant to the policy adopted by the State in FFY 2009. The State provided these data in its section 618 data table submitted on February 1, 2010 and also in Indicator 2. The State reported serving 675 children over the age of three. The State's reported data for this indicator for these children are 91.9%. The State provided all of the required information.</p>	<p>The State's actual target data for provision of services to infants and toddlers in natural environments are at or greater than 95%. There is no expectation that an increase in that percentage is necessary. OSEP appreciates the State's efforts to improve performance and assumes that the State is monitoring to ensure that IFSP teams are making service setting decisions on an individualized basis and in compliance with 34 CFR §§303.12, 303.18, and 303.344(d)(1)(ii).</p>
<p>3. Percent of infants and toddlers with IFSPs who demonstrate</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 the State's data demonstrating</p>

**Maryland Part C FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																
improved: A. Positive social-emotional skills (including social relationship); B. Acquisition and use of knowledge and skills (including early language/communication); and C. Use of appropriate behaviors to meet their needs.  [Results Indicator]	<p>stakeholders were provided an opportunity to comment on the targets for FFY 2011 and FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <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><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td><td>62.8</td><td>60.1</td><td>62.8</td></tr><tr><td><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td><td>71.3</td><td>64.8</td><td>71.3</td></tr><tr><td><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td><td>55.4</td><td>55.8</td><td>55.4</td></tr><tr><th><u>Summary Statement 2</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><b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)</td><td>83.6</td><td>81.3</td><td>83.6</td></tr><tr><td><b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)</td><td>57.3</td><td>64.9</td><td>57.3</td></tr><tr><td><b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)</td><td>78.4</td><td>75.8</td><td>78.4</td></tr></table> <p>These data represent slippage from the FFY 2008 data. The State did not meet its FFY 2009 targets for this indicator.</p> <p>OSEP’s FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR its data under APR Indicator 3 on children who were three years or</p>	<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	62.8	60.1	62.8	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	71.3	64.8	71.3	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	55.4	55.8	55.4	<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	83.6	81.3	83.6	<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	57.3	64.9	57.3	<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	78.4	75.8	78.4	<p>improvement in performance in the FFY 2010 APR, due February 1, 2012.</p> <p>The State must report progress data and actual target data for FFY 2010 APR.</p>
<u>Summary Statement 1</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																															
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	62.8	60.1	62.8																															
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	71.3	64.8	71.3																															
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	55.4	55.8	55.4																															
<u>Summary Statement 2</u>	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>																															
<b>Outcome A:</b> Positive social-emotional skills (including social relationships) (%)	83.6	81.3	83.6																															
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/communication) (%)	57.3	64.9	57.3																															
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs (%)	78.4	75.8	78.4																															

**Maryland Part C FFY 2009 SPP/APR Response Table**

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																				
	older and received services under IDEA section 635(c). The State reported that no children served under IDEA section 635(c) exited Part C with exit data prior to July 1, 2010.																					
4. Percent of families participating in Part C who report that early intervention services have helped the family:  A. Know their rights; B. Effectively communicate their children’s needs; and C. Help their children develop and learn.  [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 FFY 2012.</p> <p>The State’s FFY 2009 reported data for this indicator are:</p> <table><tr><th></th><th><u>FFY 2008 Data</u></th><th><u>FFY 2009 Data</u></th><th><u>FFY 2009 Target</u></th><th><u>Progress</u></th></tr><tr><td>A. Know their rights (%)</td><td>83</td><td>87</td><td>76</td><td>4.00%</td></tr><tr><td>B. Effectively communicate their children’s needs (%)</td><td>81</td><td>83</td><td>74</td><td>2.00%</td></tr><tr><td>C. Help their children develop and learn (%)</td><td>90</td><td>92</td><td>84</td><td>2.00%</td></tr></table> <p>These data represent progress from the FFY 2008 data. The State met all of its FFY 2009 targets for this indicator.</p> <p>OSEP’s FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR its data under APR Indicator 4 on children who were three years or older and received services under IDEA section 635(c). The State provided all of the required information.</p>		<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>	A. Know their rights (%)	83	87	76	4.00%	B. Effectively communicate their children’s needs (%)	81	83	74	2.00%	C. Help their children develop and learn (%)	90	92	84	2.00%	OSEP appreciates the State’s efforts to improve performance.
	<u>FFY 2008 Data</u>	<u>FFY 2009 Data</u>	<u>FFY 2009 Target</u>	<u>Progress</u>																		
A. Know their rights (%)	83	87	76	4.00%																		
B. Effectively communicate their children’s needs (%)	81	83	74	2.00%																		
C. Help their children develop and learn (%)	90	92	84	2.00%																		
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data.  [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 FFY 2012.</p> <p>The State’s FFY 2009 data for this indicator are 1.47%. These data represent progress from the FFY 2008 data of 1.33%. The State did not meet its FFY 2009 target of 1.5%.</p> <p>OSEP’s FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR its data under APR Indicator 5 on children who were three years or older and received services under IDEA section 635(c). The State reported that this</p>	OSEP looks forward to the State’s data demonstrating improvement in performance in the FFY 2010 APR, due February 1, 2012.																				



**Maryland Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
	indicator is not applicable to children served under IDEA section 635(c).	
<p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data.</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.</p> <p>The State's FFY 2009 data for this indicator are 3.11%. These data represent slippage from the FFY 2008 data of 3.26%. The State met its FFY 2009 target of 2.88%.</p> <p>OSEP's FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR its data under APR Indicator 6 on children who were three years or older and received services under IDEA section 635(c). The State provided all of the required information.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>
<p>7. Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.</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 99.1%. These data represent progress from the FFY 2008 data of 98.7%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 20 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, that the State is in compliance with the 45-day timeline requirements in 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a). 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 EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly</p>

**Maryland Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>implementing 34 CFR §§303.321(e)(2), 303.322(e)(1), and 303.342(a) (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 conducted the initial evaluation, assessment, and IFSP meeting, although late, for any child for whom the 45-day timeline was not met, unless the child is no longer within the jurisdiction of the EIS program, 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>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>A. IFSPs with transition steps and services;</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 99.6%. These data represent progress from the FFY 2008 data of 99.1%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all six 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 IFSP transition content requirements in 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3). Because the State reported less than 100% compliance for FFY 2009, the State must report on the status of</p>

**Maryland Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>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 EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §§303.148(b)(4) and 303.344(h) and 20 U.S.C. 1436(a)(3) (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 an IFSP with transition steps and services for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), 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>

**Maryland Part C FFY 2009 SPP/APR Response Table**

<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
<p>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>B. Notification to LEA, if child potentially eligible for Part B; and</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 99.8%. These data represent progress from the FFY 2008 data of 99.4%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all nine 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 LEA notification requirements in 34 CFR §303.148(b)(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 EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(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 provided notification to the LEA for each child, unless the child is no longer within the jurisdiction of the EIS program (i.e., the child has exited the State's Part C program due to age or other reasons), consistent with OSEP Memo 09-02. In the FFY 2010 APR, the State must describe the</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>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>8. Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:</p> <p>C. Transition conference, if child potentially eligible for Part B.</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 99.6%. These data represent progress from the FFY 2008 data of 96.4%. The State did not meet its FFY 2009 target of 100%.</p> <p>The State reported that all 24 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 timely transition conference requirements in 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)). 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 EIS program with noncompliance reflected in the FFY 2009 data the State reported for this indicator: (1) is correctly implementing 34 CFR §303.148(b)(2)(i) (as modified by IDEA section 637(a)(9)(A)(ii)(II)) (i.e., achieved 100% compliance)</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system; and (2) has conducted a transition conference, although late, for any child potentially eligible for Part B whose transition conference was not timely, unless the child is no longer within the jurisdiction of the EIS program, 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>9. 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.</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>The State reported that all 79 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 in timely correcting findings of noncompliance identified in FFY 2008.</p> <p>In reporting on correction of findings of noncompliance in the FFY 2010 APR, due February 1, 2012, the State must report that it verified that each EIS program with findings of 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</p>

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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
		<p>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 EIS program, 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>In addition, in reporting on Indicator 9 in the FFY 2010 APR, the State must use the Indicator 9 Worksheet.</p> <p>In addition, in responding to Indicators 1, 7, 8A, 8B, and 8C in the FFY 2010 APR, the State must report on correction of the noncompliance described in this table under those indicators.</p>
<p>10. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. [Compliance Indicator]</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and OSEP accepts those revisions. The State did not provide improvement activities through FFY 2012.</p> <p>The State reported that it did not receive any signed written complaints during the reporting period.</p> <p>OSEP's FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR, its data under APR Indicator 10 on children who were three years or older and received services under IDEA section 635(c). The State provided all of the required information.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>11. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.</p>	<p>The State provided targets for FFY 2011 and FFY 2012, and OSEP accepts those revisions. The State did not provide improvement activities through FFY 2012.</p> <p>The State reported that it did not receive any requests for due process hearings during</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>



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<b>Monitoring Priorities and Indicators</b>	<b>Status of APR Data/SPP Revision Issues</b>	<b>OSEP Analysis/Next Steps</b>
[Compliance Indicator]	<p>the reporting period.</p> <p>OSEP's FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR, its data under APR Indicator 11 on children who were three years or older and received services under IDEA section 635(c). The State provided all of the required information.</p>	
<p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).</p> <p>[Results Indicator]</p>	<p>The State reported that no resolution sessions were held during the reporting period.</p> <p>The State reported fewer than ten resolution sessions held in FFY 2009. The State is not required to provide targets or improvement activities in any fiscal year in which fewer than ten resolution sessions were held.</p> <p>OSEP's FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR, its data under APR Indicator 12 on children who were three years or older and received services under IDEA section 635(c). The State provided all of the required information.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>13. Percent of mediations held that resulted in mediation agreements.</p> <p>[Results Indicator]</p>	<p>The State reported that the one mediation did not result in a mediation agreement.</p> <p>The State reported fewer than ten mediations held in FFY 2009. The State is not required to provide targets or improvement activities except in any fiscal year in which ten or more mediations were held.</p> <p>OSEP's FFY 2008 SPP/APR letter, dated June 3, 2010, required the State to include in the FFY 2009 APR, its data under APR Indicator 13 on children who were three years or older and received services under IDEA section 635(c). The State provided all of the required information.</p>	<p>OSEP looks forward to reviewing the State's data in the FFY 2010 APR, due February 1, 2012.</p>
<p>14. 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.</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 and accurate data reporting requirements in IDEA sections 616, 618, and 642 and 34 CFR §§76.720 and 303.540. In reporting on Indicator 14 in the FFY 2010 APR, due February 1, 2012, the State must use the Indicator 14 Data Rubric.</p>