



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

JUL 01 2013

Honorable Lillian M. Lowery, Ed.D.  
State Superintendent of Schools  
Maryland State Department of Education  
200 West Baltimore Street, 7th Floor  
Baltimore, Maryland 21201-2595

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

The U. S. Department of Education (Department) has determined that, under IDEA sections 616(d)(2)(A)(i) and 642, Maryland meets the requirements of Part C 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 C 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 Sections 616(d) and 642 of the Individuals with Disabilities Education Act in 2013: Part C," 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 by the State 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

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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.

Pursuant to IDEA sections 616(b)(2)(C)(ii)(I) and 642 and 34 CFR §303.702(b)(1)(A), 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 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 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. See, IDEA sections 616(a)(1)(C) and 642 and 34 CFR §303.700(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 lead agency's Web site and made available to the public, consistent with IDEA sections 616(b)(2)(C)(ii)(I) and 642 and 34 CFR §303.702(b)(1).

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 FFY 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 determinations in 2014 under IDEA section 616.



OSEP recognizes the State's efforts to improve results for infants and toddlers with disabilities and their families 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 Frank Miller, your OSEP State Contact, at 202-245-7065.

Sincerely,

A handwritten signature in cursive script that reads "Melody Musgrove". To the right of the signature, there are initials "KOK" written in a similar cursive style.

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 2013: 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 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 C; and other issue 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 C Compliance Indicators 1, 7, 8A, 8B, 8C, and 9, and 14 (including whether the State reported valid and reliable data for each indicator); and, if the data reported under Indicators 1, 7, 8A, 8B, and 8C reflected compliance between 90% and 95%, 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 C 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 C 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%.<sup>1</sup>
2. Needs Assistance -- a State's 2013 determination is Needs Assistance if the percentage was at least 75%, but less than 90%.

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<sup>1</sup> 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 69.5% (but no lower) to 70%.

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):
- a. Compliance below 50% for one or more of the compliance indicators (Indicators 1, 7, 8A, 8B, 8C, or 9); or for timely State complaint decisions or timely due process hearing decisions;
  - b. The State provided no data or did not provide valid and reliable data for Indicators 1, 7, 8A, 8B, 8C, or 9; or
  - c. 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 C Compliance Matrix**

##### **Scoring of the Matrix for Compliance Indicators 1, 7, 8A, 8B, and 8C**

In the attached State-specific 2013 Part C Compliance Matrix, a State received points as follows for each of Compliance Indicators 1, 7, 8A, 8B, and 8C<sup>2</sup>:

- Two points, if either:
  - The State's FFY 2011 data for the indicator were valid and reliable, and reflect at least 95%<sup>3</sup> compliance; or
  - The State's FFY 2011 data for the indicator were valid and reliable, and reflect at least 90% compliance; 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 yes) in the "Full Correction of Findings of Noncompliance Identified in FFY 2010" column.<sup>4</sup>

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<sup>2</sup> A notation of "N/A" (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.

<sup>3</sup> In determining whether a State has met this 95% 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%.

<sup>4</sup> 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.



- One point, if the State's FFY 2011 data for the indicator were valid and reliable, and reflect at least 75% compliance, 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
  - The State's FFY 2011 data for the indicator were not valid and reliable;<sup>5</sup> or
  - The State did not report FFY 2011 data for the indicator.<sup>6</sup>

#### **Scoring of the Matrix for Compliance Indicators 9 and 14**

In the attached State-specific 2013 Part C Compliance Matrix, a State received points as follows for each of Compliance Indicators 9 and 14:

- 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.
- Not Applicable (N/A) under Indicator 9 if the State reported under Indicator 9 on its monitoring efforts and further reported in the Indicator 9 Worksheet that it identified no findings of noncompliance in FFY 2010 or reported pre-finding correction of noncompliance for FFY 2010.

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<sup>5</sup> 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.

<sup>6</sup> 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.

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

In the attached State-specific 2013 Part C 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:

- 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 (N/A), 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 C 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 C 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 C grant award, and those Special Conditions are in effect at the time of the 2013 determination.

Maryland Part C Compliance Matrix			
Part C Compliance Indicator <sup>1</sup>	Performance	Full Correction of Findings of Noncompliance Identified in FFY 2010	Score
Indicator 1: Timely service provision	97.70%	Y	2
Indicator 7: 45-day timeline	98.70%	Y	2
Indicator 8A: Timely transition plan	100.00%	Y	2
Indicator 8B: Transition notification	100.00%	N/A	2
Indicator 8C: Timely transition conference	99.10%	Y	2
Indicator 9: Timely correction	99.80%		2
Indicator 14: Timely and accurate State-reported data	96.40%		2
Timely State Complaint Decisions	100.00%		2
Timely Due Process Hearing Decisions	100.00%		2
Longstanding Noncompliance			2
Special Conditions	NONE		
Uncorrected identified noncompliance	NONE		
	Total Compliance Score		20

Points Earned	Total Possible Points	%	Determination
20	20	100.00%	MEETS REQUIREMENTS (green)

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



## Maryland Part C FFY 2011 SPP/APR Response Table

### Part C SPP/APR Indicators

1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. [Compliance Indicator]
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings. [Results Indicator]
3. Percent of infants and toddlers with IFSPs who demonstrate improved: <ul style="list-style-type: none"> <li>A. Positive social-emotional skills (including social relationship);</li> <li>B. Acquisition and use of knowledge and skills (including early language/communication); and</li> <li>C. Use of appropriate behaviors to meet their needs. [Results Indicator]</li> </ul>
4. Percent of families participating in Part C who report that early intervention services have helped the family: <ul style="list-style-type: none"> <li>A. Know their rights;</li> <li>B. Effectively communicate their children's needs; and</li> <li>C. Help their children develop and learn. [Results Indicator]</li> </ul>
5. Percent of infants and toddlers birth to 1 with IFSPs compared to national data. [Results Indicator]
6. Percent of infants and toddlers birth to 3 with IFSPs compared to national data. [Results Indicator]
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline. [Compliance Indicator]
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> <li>A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday; [Compliance Indicator]</li> </ul>
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> <li>B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and [Compliance Indicator]</li> </ul>
8. Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: <ul style="list-style-type: none"> <li>C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's birthday for toddlers potentially eligible for Part B preschool services. [Compliance Indicator]</li> </ul>
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. [Compliance Indicator]
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). [Results Indicator]
13. Percent of mediations held that resulted in mediation agreements. [Results Indicator]
14. State-reported data (IDEA Section 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.



**Maryland Part C FFY 2011 SPP/APR Results Data Summary**

INDICATOR	FFY 2010 DATA	FFY 2011 DATA	FFY 2011 TARGET
2. Infants and Toddlers Served in Natural Environments	96.3%	97.1%	> 91.5% <sup>1</sup>
3. Early Childhood Outcomes Data	See Attached Table	See Attached Table	See Attached Table
4. Percent of families participating in Part C who report that early intervention services have helped the family:			
A. Know their rights;	93.0%	94.9%	≥ 79.5%
B. Effectively communicate their children's needs; and	93.0%	94.7%	≥ 77.5%
C. Help their children develop and learn.	94.0%	95.2%	≥ 87.5%
5. Infants and Toddlers Served Birth to One	1.59%	1.48%	≥ 1.50%
6. Infants and Toddlers Served Birth to Three	3.54%	3.39%	≥ 2.95%
12. Hearing Requests Resolved through Resolution Session Agreements	None	None	None
13. Mediations Held that Resulted in Mediation Agreements	None	None	None

<sup>1</sup> 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.

### 3. Percent of Infants and Toddlers with IFSPs Who Demonstrate Improved Outcomes

Summary Statement 1 <sup>2</sup>	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
<b>Outcome A:</b> Positive social-emotional skills (including social relationships)	76.0%	70.1%	≥ 80.6%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication)	80.8%	74.1%	≥ 85.8%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs	81.6%	72.9%	≥ 87.0%
Summary Statement 2 <sup>3</sup>	FFY 2010 Data	FFY 2011 Data	FFY 2011 Target
<b>Outcome A:</b> Positive social-emotional skills (including social relationships)	68.8%	65.3%	≥ 73.8%
<b>Outcome B:</b> Acquisition and use of knowledge and skills (including early language/ communication)	64.1%	60.5%	≥ 69.9%
<b>Outcome C:</b> Use of appropriate behaviors to meet their needs	70.9%	63.5%	≥ 75.4%

<sup>2</sup> **Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

<sup>3</sup> **Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.



### Maryland Part C FFY 2011 Results Data Summary Notes

<p>INDICATOR 2: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>Consistent with IDEA section 635(c), the State included data for this indicator in the FFY 2011 APR regarding children who were three years or older and received services under that section, pursuant to the policy adopted by the State in FFY 2009.</p>
<p>INDICATOR 3: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>Consistent with IDEA section 635(c), the State included data for this indicator in the FFY 2011 APR regarding children who were three years or older and received services under that section, pursuant to the policy adopted by the State in FFY 2009.</p> <p><b>REQUIRED ACTION</b></p> <p>The State must report progress data and actual target data for FFY 2012 in the FFY 2012 APR.</p>
<p>INDICATOR 4A, B, C: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>Consistent with IDEA section 635(c), the State included data for this indicator in the FFY 2011 APR regarding children who were three years or older and received services under that section, pursuant to the policy adopted by the State in FFY 2009.</p>
<p>INDICATOR 5: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p>
<p>INDICATOR 6: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p>
<p>INDICATOR 12: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State reported that no resolution sessions were held during the reporting period. The State reported fewer than ten resolution sessions held in FFY 2011. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more resolution sessions were held.</p> <p>Consistent with IDEA section 635(c), the State included data for this indicator in the FFY 2011 APR regarding children who were three years or older and received services under that section, pursuant to the policy adopted by the State in FFY 2009.</p>
<p>INDICATOR 13: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.</p> <p>The State reported that no mediations were held during the reporting period. The State reported fewer than ten mediations held in FFY 2011. The State is not required to provide targets or improvement activities until any fiscal year in which ten or more mediations were held.</p> <p>Consistent with IDEA section 635(c), the State included data for this indicator in the FFY 2011 APR regarding children who were three years or older and received services under that section, pursuant to the policy adopted by the State in FFY 2009.</p>

**Maryland Part C FFY 2011 SPP/APR Compliance Data Summary**

<b>INDICATOR</b>	<b>FFY 2010 DATA</b>	<b>FFY 2011 DATA</b>	<b>FFY 2011 TARGET</b>	<b>CORRECTION OF FINDINGS OF NONCOMPLIANCE IDENTIFIED IN FFY 2010</b>
1. Timely provision of early intervention services	96.7%	97.7%	100%	The State reported that all 17 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
7. 45-day timeline for evaluation and assessment and initial IFSP meeting	98.2%	98.7%	100%	The State reported that all 14 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
8.A. IFSPs with transition steps and services	99.8%	100%	100%	The State reported that both of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
8.B. Notification to LEA and SEA, if child potentially eligible for Part B	100%	100%	100%	The State reported that it identified no findings of noncompliance for this indicator in FFY 2010.
8.C. Transition conference, if child potentially eligible for Part B	99.4%	99.1%	100%	The State reported that all 18 of its findings of noncompliance identified in FFY 2010 were corrected in a timely manner.
9. Timely correction	100%	99.8%	100%	The State reported that 534 of 535 findings of noncompliance identified in FFY 2010 were corrected in a timely manner and that the one remaining finding was subsequently corrected by February 15, 2013.
14. Timely and accurate data	100%	96.4%	100%	



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

<b>REQUIREMENT</b>	<b>FFY 2010 DATA</b>	<b>FFY 2011 DATA</b>
Timely resolution of complaints	100% (based on two complaints)	100% (based on one complaint)
Timely adjudication of due process hearing requests	The State reported that it did not have any requests for due process hearings during the reporting period that were adjudicated.	100% (based on one due process hearing)

### Maryland Part C FFY 2011 Compliance Data Summary Notes

INDICATOR 1: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

Consistent with IDEA section 635(c), the State included data for this indicator in the FFY 2011 APR regarding children who were three years or older and received services under that section, pursuant to the policy adopted by the State in FFY 2009.

#### 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 EIS program or provider 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 EIS program or provider, consistent with OSEP Memo 09-02.<sup>4</sup> In the FFY 2012 APR, the State must describe the specific actions that were taken to verify the correction.

INDICATOR 7: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

#### 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 EIS program or provider 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 EIS program or provider, 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 8A: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

INDICATOR 8B: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

<sup>4</sup> OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008, requires that the State report that it verified that each EIS program 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 EIS program or provider.

INDICATOR 8C: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

**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 EIS program or provider 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 EIS program or provider, 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 9: The State revised the improvement activities for FFY 2012 for this indicator and OSEP accepts those revisions.

Consistent with IDEA section 635(c), the State included data for this indicator in the FFY 2011 APR regarding children who were three years or older and received services under that section, pursuant to the policy adopted by the State in FFY 2009.

**REQUIRED ACTIONS**

When reporting in the FFY 2012 APR on the correction of findings of noncompliance, the State must report that it verified that each EIS program or provider with findings of noncompliance identified in FFY 2011: (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 EIS program, 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 9 in the FFY 2012 APR, the State must use and submit the Indicator 9 Worksheet.

Further, in responding to Indicators 1, 7, and 8C in the FFY 2012 APR, the State must report on correction of the noncompliance described in this table under those indicators.

The State was identified as being in need of assistance for two consecutive years based on the State's FFY 2009 and FFY 2010 APRs, was advised of available technical assistance, and was required to report, with the FFY 2011 APR, on: (1) the technical assistance sources from which the State received assistance; and (2) the actions the State took as a result of that technical assistance. The State did report on the technical assistance sources from which the State received assistance for this indicator and did not report on the actions the State took as a result of that technical assistance.

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

**OTHER ISSUES:**

State Complaints and Due Process Hearings: Related to the extended option under IDEA section 635(c), the State reported that, "No families with children in the Extended Option filed a state complaint or requested a due process hearing and/or mediation during the reporting period."