



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 6 2008

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

Dear Dr. Grasmick:

Thank you for the timely submission of Maryland's FFY 2006 Annual Performance Report (APR) and revised State Performance Plan (SPP) under Part B of the Individuals with Disabilities Education Act (IDEA), as amended in 2004. We also acknowledge the revisions to Maryland's SPP and APR received on April 14, 2008. We appreciate the State's efforts in preparing these documents.

The Department has determined that, under IDEA section 616(d), Maryland needs assistance in meeting 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 2006 APR and revised SPP, other State-reported data, and other publicly available information. See the enclosure entitled "How the Department Made Determinations under Section 616(d) of the IDEA in 2008" for further details.

The specific factor affecting OSEP's determination of needs assistance for Maryland was that the State reported 84% compliance for Indicator 15. For this reason, we were unable to conclude that your State met requirements under section 616(d). We appreciate the substantial progress the State has made in timely correction of identified noncompliance from the 31% rate reported for this Indicator for FFY 2005. The State was able to demonstrate a high level of performance or correction in each of the other compliance indicators and provided timely and accurate data on each indicator. We hope that the State will be able to demonstrate that it meets requirements in its next APR.

The enclosed table provides OSEP's analysis of the State's FFY 2006 APR and revised SPP and identifies, by indicator, OSEP's review of any revisions made by the State to its targets, improvement activities (timelines and resources) and baseline data in the State's SPP. It also identifies, by indicator, the State's status in meeting its targets, whether the State's data reflect progress or slippage, and whether the State corrected noncompliance and provided valid and reliable data.

The State's determination for the FFY 2005 APR also was needs assistance. In accordance with section 616(e) of the IDEA and 34 CFR §300.604, if a State is determined to need assistance for two consecutive years, the Secretary must take one or more of the following actions: 1) Advise the State of available sources of technical assistance that may help the State address the areas in which the State needs assistance; 2) Direct the use of State-level funds on the area or areas in which the State needs assistance; or 3) Identify the State as a high-risk grantee and impose special conditions on the State's Part B grant award. Pursuant to these requirements, the Secretary is advising the State of available sources of technical assistance related to Indicator 15 (timely correction of noncompliance). A list of sources of technical assistance related to the

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

SPP/APR indicators is available by clicking on the “Technical Assistance Related to Determinations” box on the opening page of the SPP/APR Planning Calendar website at <http://spp-apr-calendar.rfcnetwork.org/>. You will be directed to a list of indicators. Click on specific indicators for a list of centers, documents, web seminars and other sources of relevant technical assistance for that indicator. For the indicator listed above, your State must report with its FFY 2007 APR submission (due February 1, 2009) on: 1) the technical assistance sources from which the State received assistance; and 2) what actions the State took as a result of that technical assistance. The extent to which your State takes advantage of available technical assistance for this indicator may affect the actions we take under section 616 should your State not be identified as meets requirements next year. We encourage States to take advantage of available sources of technical assistance in other areas as well, particularly if the State is reporting low compliance data for an indicator.

As required by section 616(e)(7) and 34 CFR §300.606, the State must notify the public that the Secretary of Education has taken the above enforcement action. This notification must be sufficient to notify the public within the State and may include such mechanisms as posting on the agency’s website, distribution through the media and distribution through public agencies.

As you know, your State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the SPP under IDEA section 616(b)(2)(C)(ii)(I). In addition, your State must review LEA performance against targets in the State’s SPP, determine if each LEA meets the requirements of the IDEA and inform each LEA of its determination. For further information regarding these requirements, see the SPP/APR Calendar at <http://spp-apr-calendar.rfcnetwork.org/>. Finally, if you included revisions to baseline, targets or improvement activities in your APR submission, and OSEP accepted those revisions, please ensure that you update your SPP accordingly and that the updated SPP is made available to the public.

OSEP is committed to supporting Maryland’s efforts to improve results for children 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 do not hesitate to call Michael F. Slade, your OSEP State Contact, at 202-245-7527.

Sincerely,



William W. Knudsen
Acting Director
Office of Special Education Programs

Enclosures

cc: State Director of Special Education

Maryland Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
1. Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma. [Results Indicator]	The State's FFY 2006 reported data for this indicator are 75.61%. These data represent slippage from the FFY 2005 data of 76.77%. The State did not meet its FFY 2006 target of 83.24%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.
2. Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school. [Results Indicator]	The State's FFY 2006 reported data for this indicator are 4.98%. These data represent progress from the FFY 2005 data of 5.64%. The State did not meet its FFY 2006 target of 3.81%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.
3. Participation and performance of children with disabilities on statewide assessments: A. Percent of districts that have a disability subgroup that meets the State's minimum "n" size meeting the State's AYP objectives for progress for disability subgroup. [Results Indicator]	The State's FFY 2006 reported data for this indicator are 38%. These data represent progress from the FFY 2005 data of 21%. The State met its FFY 2006 target of 33%.	OSEP appreciates the State's efforts to improve performance.
3. Participation and performance of children with disabilities on statewide assessments: B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards. [Results Indicator]	The State's FFY 2006 reported data for this indicator are 98.9% for reading and 98.8% for math. The State met its FFY 2006 targets of 95% for reading and math.	OSEP appreciates the State's efforts to improve performance.

Maryland Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																																																																												
[Results Indicator]																																																																														
3. Participation and performance of children with disabilities on statewide assessments: C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.	<p>The State's FFY 2006 reported data for this indicator are:</p> <table border="1"> <thead> <tr> <th rowspan="2">Grade</th> <th colspan="2">FFY 2005</th> <th colspan="2">FFY 2006</th> <th rowspan="2">Target</th> <th rowspan="2">FFY 2005 Data</th> <th rowspan="2">FFY 2006 Data</th> <th rowspan="2">Math</th> </tr> <tr> <th>Data</th> <th>Target</th> <th>Data</th> <th>Target</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>57.5%</td> <td>62.5%</td> <td>61.82%</td> <td>53.0%</td> <td>54.97%</td> <td>66.53%</td> <td>66.53%</td> <td></td> </tr> <tr> <td>4</td> <td>58.5%</td> <td>67.30%</td> <td>72.05%</td> <td>54.9%</td> <td>62.63%</td> <td>66.33%</td> <td>66.33%</td> <td></td> </tr> <tr> <td>5</td> <td>48.9%</td> <td>52.97%</td> <td>66.59%</td> <td>41.9%</td> <td>51.59%</td> <td>58.89%</td> <td>58.89%</td> <td></td> </tr> <tr> <td>6</td> <td>36.9%</td> <td>47.15%</td> <td>68.50%</td> <td>30.9%</td> <td>40.46%</td> <td>51.84%</td> <td>51.84%</td> <td></td> </tr> <tr> <td>7</td> <td>36.3%</td> <td>36.88%</td> <td>66.75%</td> <td>26.6%</td> <td>30.58%</td> <td>49.81%</td> <td>49.81%</td> <td></td> </tr> <tr> <td>8</td> <td>30.8%</td> <td>35.22%</td> <td>63.73%</td> <td>23.3%</td> <td>27.22%</td> <td>48.45%</td> <td>48.45%</td> <td></td> </tr> <tr> <td>HS</td> <td>26.1%</td> <td>36.45%</td> <td>52.17%</td> <td>31.0%</td> <td>37.33%</td> <td>38.60%</td> <td>38.60%</td> <td></td> </tr> </tbody> </table> <p>These data represent progress from the revised FFY 2005 data (also submitted with the FFY 2006 APR).</p> <p>The State met its FFY 2006 target for grade 3 reading, but did not meet its other targets.</p>	Grade	FFY 2005		FFY 2006		Target	FFY 2005 Data	FFY 2006 Data	Math	Data	Target	Data	Target	3	57.5%	62.5%	61.82%	53.0%	54.97%	66.53%	66.53%		4	58.5%	67.30%	72.05%	54.9%	62.63%	66.33%	66.33%		5	48.9%	52.97%	66.59%	41.9%	51.59%	58.89%	58.89%		6	36.9%	47.15%	68.50%	30.9%	40.46%	51.84%	51.84%		7	36.3%	36.88%	66.75%	26.6%	30.58%	49.81%	49.81%		8	30.8%	35.22%	63.73%	23.3%	27.22%	48.45%	48.45%		HS	26.1%	36.45%	52.17%	31.0%	37.33%	38.60%	38.60%		<p>OSEP appreciates the State's efforts to improve performance and looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.</p>
Grade	FFY 2005		FFY 2006		Target	FFY 2005 Data					FFY 2006 Data	Math																																																																		
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4. Rates of suspension and expulsion: A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and	<p>The State's FFY 2006 reported data for this indicator are 20.83%. These data represent progress from the FFY 2005 data of 33%.</p> <p>The State met its FFY 2006 target of 20.83%.</p> <p>[Results Indicator]</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include data demonstrating that the remaining noncompliance identified for districts with significant discrepancies in FFY 2005, based on the review required by 34 CFR §300.170(b), was corrected in the FFY 2006 APR, due February 1, 2008.</p> <p>The State reported that noncompliance in districts with significant discrepancies in FFY 2005 that was identified as a result of the review required by 34 CFR §300.170(b) was corrected.</p> <p>The State reported that no noncompliance</p>																																																																												

Maryland Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps																
		<p>was identified based on the review required by 34 CFR §300.170(b) for districts with significant discrepancies in FFY 2006.</p> <p>OSEP appreciates the State's efforts to improve performance.</p> <p>In reporting on this indicator in the FFY 2007 APR, due February 1, 2009, the State must describe the results of the State's examination of data from FFY 2007 (2007-2008).</p>																
4. Rates of suspension and expulsion:	Reporting on Indicator 4B was not required for the FFY 2006 APR.																	
B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.																		
[Results Indicator]																		
5. Percent of children with IEPs aged 6 through 21:	The State's reported data for this indicator are:																	
A. Removed from regular class less than 21% of the day;	<table border="1"> <thead> <tr> <th></th> <th style="text-align: center;">FFY 2005 Data</th> <th style="text-align: center;">FFY 2006 Data</th> <th style="text-align: center;">FFY 2006 Target</th> </tr> </thead> <tbody> <tr> <td>A. Removed from regular class less than 21% of the day.</td> <td style="text-align: center;">59.60%</td> <td style="text-align: center;">61.64%</td> <td style="text-align: center;">60.11%</td> </tr> <tr> <td>B. Removed from regular class greater than 60% of the day.</td> <td style="text-align: center;">16.86%</td> <td style="text-align: center;">16.21%</td> <td style="text-align: center;">16.61%</td> </tr> <tr> <td>C. Served in public or private separate schools, residential placements, or homebound or hospital placements.</td> <td style="text-align: center;">7.89%</td> <td style="text-align: center;">7.90%</td> <td style="text-align: center;">7.24%</td> </tr> </tbody> </table>		FFY 2005 Data	FFY 2006 Data	FFY 2006 Target	A. Removed from regular class less than 21% of the day.	59.60%	61.64%	60.11%	B. Removed from regular class greater than 60% of the day.	16.86%	16.21%	16.61%	C. Served in public or private separate schools, residential placements, or homebound or hospital placements.	7.89%	7.90%	7.24%	
	FFY 2005 Data	FFY 2006 Data	FFY 2006 Target															
A. Removed from regular class less than 21% of the day.	59.60%	61.64%	60.11%															
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[Results Indicator]																		

Maryland Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
hospital placements.	These data represent progress for 5A and 5B and slippage for 5C from the FFY 2005 data.	
The State met its FFY 2006 targets for 5A and 5B and did not meet its FFY 2006 target for 5C.		
6. Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (i.e., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).	Reporting on Indicator 6 was not required for the FFY 2006 APR.	
[Results Indicator]	The State's FFY 2006 reported progress data for this indicator are:	OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include progress data and improvement activities in the FFY 2006 APR, due February 1, 2008. The State reported the required progress data and improvement activities.
7. Percent of preschool children with IEPs who demonstrate improved:	06-07 Preschool Outcome Progress Data	The State must provide progress data with the FFY 2007 APR, due February 1, 2009, and baseline data and targets with the FFY 2008 APR, due February 1, 2010.
A. Positive social-emotional skills (including social relationships);	a. % of preschoolers who did not improve functioning.	OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include progress data and improvement activities in the FFY 2006 APR, due February 1, 2008. The State reported the required progress data and improvement activities.
B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and	b. % of preschoolers who improved but not sufficient to move nearer to functioning comparable to same-aged Peers.	The State must provide progress data with the FFY 2007 APR, due February 1, 2009, and baseline data and targets with the FFY 2008 APR, due February 1, 2010.
C. Use of appropriate behaviors to meet their needs.	c. % of preschoolers who improved to a level nearer to same-aged peers but did not reach it.	OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include progress data and improvement activities in the FFY 2006 APR, due February 1, 2008. The State reported the required progress data and improvement activities.
[Results Indicator; New]	d. % of preschoolers who improved functioning to reach a level comparable to same-aged peers.	The State must provide progress data with the FFY 2007 APR, due February 1, 2009, and baseline data and targets with the FFY 2008 APR, due February 1, 2010.
e. % of preschoolers who maintained functioning at a level comparable to	e. % of preschoolers who maintained functioning at a level comparable to	e. % of preschoolers who maintained functioning at a level comparable to

Maryland Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
	same-aged peers.	
	The State provided improvement activities for this indicator for the remaining years of the SPP.	
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. [Results Indicator]		<p>The State's FFY 2006 reported data for this indicator are 45% for parents of school-aged children and 58% for parents of preschool children. These data represent progress from the FFY 2005 data of 27% for parents of school-aged children and 32% for parents of preschool children.</p> <p>The State met its FFY 2006 target of 27% for parents of school-aged children and 32% for parents of preschool children.</p> <p>The State reported in the FFY 2006 APR that a census-based approach will be used to collect data from all LEAs in the State.</p> <p>OSEP appreciates the State's efforts to improve performance.</p>
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. [Compliance Indicator]		<p>The State's FFY 2006 reported data for this indicator are 0%. These data remain unchanged from the FFY 2005 data of 0%.</p> <p>The State met its FFY 2006 target of 0%.</p> <p>OSEP appreciates the State's efforts regarding this indicator.</p>
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]		<p>The State's FFY 2006 reported data for this indicator are 0%. These data remain unchanged from the FFY 2005 data of 0%.</p> <p>The State met its FFY 2006 target of 0%.</p> <p>OSEP appreciates the State's efforts regarding this indicator.</p>
11. Percent of children with parental consent to evaluate, who were evaluated within 60 days (or	The State's FFY 2006 reported data for this indicator are 83%. These data represent progress from the FFY 2005 data of 77%.	<p>The State reported that noncompliance identified in FFY 2005 with the timely evaluations requirements in 34 CFR</p>

Maryland Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
State established timeline). [Compliance Indicator]	<p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State reported that 18 of 19 findings of noncompliance identified in FFY 2005 were corrected in a timely manner and that the remaining finding was corrected by December 31, 2007.</p>	<p>§300.301(c)(1) was corrected.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the requirements in 34 CFR §300.301(c)(1), including reporting correction of the noncompliance identified in the FFY 2006 APR.</p>
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. [Compliance Indicator]	<p>The State's FFY 2006 reported data for this indicator are 95%. These data represent progress from the FFY 2005 data of 83.4%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State reported that one of two findings of noncompliance identified in FFY 2005 was corrected in a timely manner. For the uncorrected noncompliance, the State reported that the district is under a court-ordered consent decree with intensive oversight by the State to address timely transition from Part C to Part B services.</p>	<p>The State reported that noncompliance identified in FFY 2005 with the early childhood transition requirements in 34 CFR §300.124(b) was not corrected. The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the uncorrected noncompliance was corrected.</p> <p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2007 APR, due February 1, 2009, the State's demonstration that it is in compliance with the requirements at 34 CFR §300.124(b).</p>
13. Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals. [Compliance Indicator]	<p>The State revised the baseline for this indicator and OSEP accepts the revision.</p> <p>The State's FFY 2006 reported data for this indicator are 94%. These data represent progress from the revised FFY 2005 data of 82%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State reported that the one finding of noncompliance identified in FFY 2005 related to this indicator was corrected in a timely manner.</p>	<p>OSEP's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the February 1, 2008 APR data consistent with the measurement for FFY 2005 (if possible) and FFY 2006.</p> <p>The State provided the required data for FFY 2005 and FFY 2006.</p> <p>The State reported that noncompliance identified in FFY 2005 with the secondary transition requirements in 34 CFR §300.320(b) was corrected in a timely</p>

Maryland Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps						
<p>14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.</p> <p>[Results Indicator; New]</p>	<p>The State provided baseline data, targets and improvement activities for this indicator in its SPP and OSEP accepts the SPP.</p> <p>The State's FFY 2006 reported baseline data for this indicator are:</p> <table border="1" data-bbox="747 692 923 1537"> <tr> <td>Percent of youth who are competitively employed.</td> <td>44.6%</td> </tr> <tr> <td>Percent of youth who are in some type of postsecondary school.</td> <td>4.0%</td> </tr> <tr> <td>Percent of youth who are both competitively employed and in some type of postsecondary school.</td> <td>24.7%</td> </tr> </table> <p>The State's FFY 2006 reported data for this indicator are 84.05%. These data represent progress from the FFY 2005 data of 31%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p> <p>The State reported that 195 of 232 findings of noncompliance identified in FFY 2005 were corrected in a timely manner. The State reported that an additional 30 findings were corrected by the date of the APR's submission. It further reported that 6 of the remaining seven findings are in a district under a court-ordered consent decree and the State is continuing to provide intensive technical assistance and oversight in this and the one other district with uncorrected noncompliance.</p> <p>[Compliance Indicator]</p>	Percent of youth who are competitively employed.	44.6%	Percent of youth who are in some type of postsecondary school.	4.0%	Percent of youth who are both competitively employed and in some type of postsecondary school.	24.7%	<p>The State must review its improvement activities and revise, if appropriate, to manner.</p> <p>The State must review its improvement activities and revise them, if appropriate, to ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State is in compliance with the requirements in 34 CFR §300.320(b) including reporting correction of the noncompliance identified in the FFY 2006 APR.</p> <p>OSEP looks forward to reviewing the State's data in the FFY 2007 APR, due February 1, 2009.</p>
Percent of youth who are competitively employed.	44.6%							
Percent of youth who are in some type of postsecondary school.	4.0%							
Percent of youth who are both competitively employed and in some type of postsecondary school.	24.7%							
<p>15. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p>	<p>The State's June 15, 2007 FFY 2005 SPP/APR response table required the State to include in the February 1, 2008 APR, disaggregated by APR indicator, the status of timely correction of the noncompliance findings identified by the State during FFY 2005. The State provided the required data.</p> <p>The State must demonstrate, in the FFY 2007 APR, due February 1, 2009, that the State has corrected the remaining noncompliance identified in Indicator 15 from FFY 2005.</p> <p>The State must review its improvement activities and revise, if appropriate, to</p>	<p>Maryland</p>						

Maryland Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
		<p>ensure they will enable the State to provide data in the FFY 2007 APR, due February 1, 2009, demonstrating that the State timely corrected noncompliance identified in FFY 2006 (2006-2007) under this indicator in accordance with 20 U.S.C. 1232d(b)(3)(E) and 34 CFR §§300.149 and 300.600.</p> <p>In addition, in responding to Indicators 11, 12, and 13, the State must specifically identify and address the noncompliance identified in this table under those indicators.</p>
16. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. [Compliance Indicator]	<p>The State's FFY 2006 reported data for this indicator are 99%. These data remain unchanged from the FFY 2005 data of 99%.</p> <p>The State did not meet its FFY 2006 target of 100%.</p>	<p>OSEP appreciates the State's efforts and looks forward to reviewing in the FFY 2007 APR, due February 1, 2009, the State's data demonstrating that it is in compliance with the timely compliant resolution requirements in 34 CFR §300.152.</p>
17. Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party. [Compliance Indicator]	<p>The State's FFY 2006 reported data for this indicator are 100%. These data represent progress from the FFY 2005 data of 97%.</p> <p>The State met its FFY 2006 target of 100%.</p>	<p>OSEP appreciates the State's efforts in achieving compliance with the timely due process hearing resolution requirements in 34 CFR §300.515.</p>
18. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.	<p>The State's FFY 2006 reported data for this indicator are 72%.</p> <p>The State met its FFY 2006 target of 64-75%.</p>	<p>OSEP appreciates the State's efforts to improve performance.</p>

Maryland Part B FFY 2006 SPP/APR Response Table

Monitoring Priorities and Indicators	Status of APR Data/SPP Revision Issues	OSEP Analysis/Next Steps
[Results Indicator]		
19. Percent of mediations held that resulted in mediation agreements. [Results Indicator]	The State's FFY 2006 reported data for this indicator are 68%. The State did not meet its FFY 2006 target of 75-85%.	OSEP looks forward to the State's data demonstrating improvement in performance in the FFY 2007 APR, due February 1, 2009.
20. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate. [Compliance Indicator]	The State's FFY 2006 reported data for this indicator are 100%. The State met its FFY 2006 target of 100%.	OSEP appreciates the State's efforts in achieving compliance with IDEIA sections 616 and 618 and 34 CFR §§76.720 and 300.601(b).

How the Department Made Determinations under Section 616(d) of the Individuals with Disabilities Education Act in 2008: Part B

In making our determination for each State under section 616(d) of the Individuals with Disabilities Education Act (IDEA), we considered the State's FFY 2006 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 2007 grant or under a compliance agreement, longstanding unresolved audit findings, and other State compliance data under the IDEA.

FFY 2006 APR/SPP Submissions

In reviewing the States' FFY 2006 APR/SPP submissions, we considered both data and compliance:

With respect to data, for Indicators 1 through 19, we examined whether the State provided valid and reliable FFY 2006 data (e.g., the State provided all the required data, the data were for the correct year and were consistent with the required measurement, and the State did not acknowledge that its data were not valid and reliable) and if not, whether the State provided a plan to collect the missing or deficient data for reporting in next year's APR/SPP submission. Indicator 20 is itself about the timeliness and accuracy of data, which we addressed through the other indicators.

For compliance, we looked at Indicators 9, 10, 11, 12, 13, 15, 16 and 17. With respect to these indicators, we looked for evidence that the State demonstrated substantial compliance either through reporting a very high level of performance (generally 95% or better) or correction of noncompliance, and if the State did not, whether it nonetheless had made progress in ensuring compliance over its performance in that area as reported in its FFY 2005 SPP/APR submission. We considered progress to include reporting higher compliance numbers or reporting more accurate and complete compliance data compared to the data provided in the prior year's submission. Indicator 15 evaluates 'timely' correction, so for this indicator we specifically examined whether the correction was timely. For the other compliance indicators, we considered whether the State timely corrected previous noncompliance, but we also considered whether the State subsequently corrected noncompliance. We did not consider Indicator 20 because the data rubric was subject to inconsistent application. We are working with our contractor and consulting with State data managers on refining the document. Next year we will consider Indicator 20 as a part of the State's compliance data. We did not consider Indicators 16 and 17 if the State reported fewer than 10 complaints or fully adjudicated hearings and reported less than 100% compliance, in recognition of the problems in basing decisions on small numbers.

Generally, and absent any other issues (see below), we considered a State to "meet requirements" if it provided valid and reliable FFY 2006 data consistent with, or substantially the same as, the measurement for each indicator, AND demonstrated substantial compliance for Indicators 9, 10, 11, 12, 13, 15, 16, and 17. We determined that a State demonstrated substantial compliance if it provided data showing a very high level of compliance (generally 95% or better) or that it had fully corrected previously identified noncompliance. If a State did not meet these standards on only one indicator, we considered the State to "meet requirements" if the compliance level for this indicator was high (generally 90% or better) or, for a data issue, if the State provided a plan to collect the data

for next year. In no case, however, did we place a State in “meets requirements” if it failed to provide valid and reliable FFY 2006 data for compliance Indicators 9, 10, 11, 12, 13, 15, 16 and 17. We also considered whether the State, when it reported under Indicator 4a (1) had identified significant discrepancies in discipline of children with disabilities, (2) made clear that it reviewed policies, procedures and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, as required by 34 CFR §300.170(b), and (3) corrected noncompliance identified in these areas.

Generally, and absent any other issues (see below), we considered a State to be “in need of intervention” if it demonstrated very low performance for Indicators 11, 12, 13, 15, 16 or 17 (generally 50% or below) and did not demonstrate correction of the noncompliance or did not make progress over the prior year’s performance. We identified States as being in need of intervention if they did not provide any FFY 2006 data on Indicators 11, 12, 13, 15, 16 or 17 or if the data were not valid and reliable, e.g., the reported data were not consistent with the required measurement, were for the wrong year, or the State acknowledged that its data were not valid and reliable. We also identified States as being in need of intervention if they did not provide valid and reliable FFY 2006 data on one of the other indicators and did not provide a plan to collect and report on the data.

This year we did not identify any State as being in need of intervention if it did not provide valid and reliable FFY 2006 data on Indicators 9 and 10 in recognition of the fact that these are complicated indicators that require a multiple step analysis including, at the first step, reviewing data to determine if there is disproportionate over- or underrepresentation of children with disabilities by racial or ethnic groups in special education and related services for Indicator 9 or in specific disability categories for Indicator 10, and, at the second step, determining whether any identified disproportionate representation is the result of inappropriate identification. States have continued to have difficulty with properly completing these tasks in a timely manner. Next year, however, we will consider Indicators 9 and 10 in determining whether States should be identified as in “need of intervention.” Specifically, we will consider whether a State demonstrates that it has examined child count data from FFY 2007 (reported to the Department under section 618 of the IDEA in February 2008) to identify disproportionate over- and underrepresentation of racial and ethnic groups in special education and related services, and in specific disability categories, and determined whether that disproportionate representation is the result of inappropriate identification.

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

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

Monitoring Data and Other Public Information

We also considered other public information available to the Department, including information from OSEP monitoring activities, performance under pre-existing special conditions, and longstanding audit findings. We did not consider a State to “meet requirements” if the State had unresolved special conditions issues, OSEP monitoring findings, including verification visit findings, or longstanding audit issues or was under a compliance agreement. 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, were factors we considered in determining whether the State should be identified as “in need of assistance,” “in need of intervention,” or “in need of substantial intervention.”