MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. David Cox
Superintendent
Allegany County Public Schools
P.O. Box 1724
Cumberland, MD 21502

Dear Dr. Cox:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Allegany County Public Schools (ACPS) has achieved the determination status of **"Meets Requirements."**

To achieve the determination status of "Meets Requirements," the ACPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the ACPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for ACPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the ACPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Sheree Witt
Branch/Section Chiefs

March 20, 2013
Allegany County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		**81.50%**	69.62%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		**84.40%**	70.51%	No		^	^
2	Students with IEPs dropping out (Annual)			**≤ 3.27%**	≤ 3.00%	Yes	Data meets the State's target. No required action.	2.61%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		**Meets**	Met	Yes	Data meets the State's target. No required action.	^	^
		AMO for Mathematics		**Meets**	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			**≥ 95%**	≥ 95%	Yes	Data meets the State's target. No required action.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	**85.65%**	81.67%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	76.79%	75.42%
			Reading	**83.64%**	72.50%	No		77.68%	78.81%
		4	Mathematics	**85.57%**	83.48%	No		80.00%	78.57%
			Reading	**88.45%**	82.61%	No		77.39%	83.19%
		5	Mathematics	**82.38%**	83.16%	Yes		68.42%	65.38%
			Reading	**85.68%**	74.74%	No		75.65%	82.86%
		6	Mathematics	**79.36%**	59.76%	No		48.57%	64.29%
			Reading	**86.50%**	65.43%	No		62.86%	58.16%
		7	Mathematics	**78.49%**	58.33%	No		43.75%	60.42%
			Reading	**85.75%**	69.51%	No		61.46%	66.32%
		8	Mathematics	**77.91%**	56.18%	No		22.89%	26.37%
			Reading	**84.45%**	40.45%	No		54.22%	43.33%
		HS	Mathematics	**73.67%**	25.00%	No		29.63%	47.73%
			Reading	**79.50%**	19.57%	No		34.21%	30.21%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.47*	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	*Amer Indian/Alaska Native*	< 2.0	0	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0	Yes			0.00
		Black or African American	< 2.0	4.29*	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0	Yes			0.00
		White	< 2.0	2.12*	Yes			0.00
		2 or more races	< 2.0	11.4*	Yes			0.00
	Discrepancy exists in the category	*Hispanic*	< 2.0	0	Yes			0.00
	N size is < 30*	Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	81.65%	Yes	Data meets the State's target. No required action.	82.59%	82.13%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	7.99%	Yes	Data meets the State's target. No required action.	9.35%	8.07%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	5.78%	Yes	Data meets the State's target. No required action.	4.55%	5.98%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	81.29%	N/A	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	2.16%	N/A	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	70.00%	Yes	Data meets the State's target in category 7A 1 and 7A2. No required action.	88.2%	41.9%
		2. Exits within age expectations	72.5%	74.60%	Yes		87.5%	56.0%

^Data calculation change; data not comparable to FFY 2011 data. Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	73.91%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	68.6%	43.9%
		2. exits within age expectations	58.3%	68.25%	Yes		72.9%	44.0%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	62.79%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	80.0%	25.7%
		2. Exits within age expectations	65.2%	66.67%	Yes		83.3%	38.0%
8A	Parent Survey	Age 3-5	39.0%	48%	Yes	Data meets the State's target in 3-5 and 6-21.	23%	50%
		Age 6-21	36.0%	40%	Yes		45%	36%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.92	Yes	No significant disproportionate representation. No required action.	^	0.82
		Asian	< 2.0	0.66	Yes			0.69
		Black, African American	< 2.0	1.14	Yes			1.29
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.40	Yes			1.01
		2 or more races	< 2.0	1.01	Yes			0.93
		Hispanic	< 2.0	0.84	Yes			0.54
	Disproportionate representation exits in the category. N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on next page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	94.64%	No	Noncompliant. Correction verified by M&A staff; finding closed.	100%	99.32%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators ☐ Results Indicator ☐ Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No Required action	Compliant	Compliant
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	1.55	0.00	0.00	0.00	2.08*	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	1.22	0.43	0.00	0.69	3.64*	0.00	
		Black/African American	2.09*	1.33	2.39*	0.44	0.38	1.39	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.41	1.02	0.87	1.84	2.08	0.90	
		2 or more races	0.48	0.82	0.83	1.62	0.63	1.37	
		Hispanic	1.21	0.63	0.00	1.04	0.00	0.87	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification N size is < 30* Disproportionate representation exists.	American Indian/Alaska Native	0.00	0.73	0.00	1.03	0.00	1.85	NA
		Asian	1.06	0.41	0.00	1.86	3.11*	0.00	
		Black/African American	2.51*	1.13	3.03*	0.61	0.37	1.72	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.34	1.31	0.45	1.74	0.00	0.81	
		2 or more races	0.00	0.59	0.96	1.89	0.78	1.21	
		Hispanic	1.33	0.48	0.67	0.00	0.00	0.62	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011			FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.			Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.			Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities			Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.			**Met – 99.1%**	**Met – 99.1%**
3c	Student Achievement – Proficiency	Grade	Mathematics	Reading	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
		3	85.65%	83.64%		
		4	85.57%	88.45%		
		5	82.38%	85.68%		
		6	79.36%	86.50%		
		7	78.49%	85.75%		
		8	77.91%	84.45%		
		10		79.50%		
		12	73.67%			
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.			Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)	Met – 0%
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	Met – 66.14%	Met – 67.12%
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	Met – 14.04%	Met – 13.66%
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	Not Met – 7.12%	Not Met – 7.01%
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	Indicator Not reported as per OSEP Instruction	FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	Indicator Not reported as per OSEP Instruction	FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	**Met – 68.9%**	**Met – 69.2%**
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	**Not Met – 67.5%**	**Not Met – 69.5%**
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	**Met – 69.5%**	**Met – 70.4%**
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	**Not Met – 55.2%**	**Met – 60.4%**

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	**Met – 63.9%**	**Met – 65.5%**
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	**Not Met – 63.6%**	**Met – 67.0%**
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		**Met – 49%**	**Met – 49%**
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		**Met – 40%**	**Met – 42%**
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		**Met – 0%**	**Met – 0%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	**Met – 85.99%**
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	**Met – 100%**	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	**Met – 100%**	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	**Met – 64.2%**	**Met – 70.5%**
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	**Met – 77.6%**	**Met – 76.6%**
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	**Met – 100%**	**Met – 100%**

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Kevin M. Maxwell
Superintendent
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, MD 21401

Dear Dr. Maxwell:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Anne Arundel County Public Schools (AACPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the AACPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the AACPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for AACPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the AACPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M Lowery, Ed.D.
Mary Tillar
Branch/Section Chiefs

March 20, 2013
Anne Arundel County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

2FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators (Results Indicator / Compliance Indicator)				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	49.27%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	56.11%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	7.49%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	5.81%	5.74%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not Met	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target. No required action.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	70.52%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	67.46%	74.22%
			Reading	83.64%	74.65%	No		73.32%	77.25%
		4	Mathematics	85.57%	77.98%	No		73.56%	76.88%
			Reading	88.45%	76.53%	No		75.61%	75.19%
		5	Mathematics	82.38%	69.27%	No		64.82%	67.38%
			Reading	85.68%	76.91%	No		76.55%	79.83%
		6	Mathematics	79.36%	58.48%	No		48.80%	56.08%
			Reading	86.50%	61.62%	No		58.21%	59.50%
		7	Mathematics	78.49%	58.14%	No		44.22%	49.24%
			Reading	85.75%	54.45%	No		51.43%	60.04%
		8	Mathematics	77.91%	43.38%	No		35.97%	38.83%
			Reading	84.45%	55.94%	No		57.31%	63.84%
		HS	Mathematics	73.67%	53.89%	No		60.74%	52.45%
			Reading	79.50%	59.02%	No		59.33%	62.50%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator / Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.50	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.82	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity N size is < 30* Discrepancy exists in the category	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	1.46	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.28	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	0.31	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	70.44%	Yes	Data meets the State's target. No required action.	66.96%	67.86%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	11.38%	Yes	Data meets the State's target. No required action.	12.05%	12.44%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	6.50%	No	Data does not meet the State's target. Improvement Plan required.	6.57%	6.23%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	56.66%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	26.56%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 21.3%	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	81.54%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	76.2%	87.4%
		2. Exits within age expectations	72.5%	75.63%	Yes		68.7%	77.3%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	87.57%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	89.2%	91.8%
		2. exits within age expectations	58.3%	72.86%	Yes		74.1%	77.6%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	84.51%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	86.6%	91.1%
		2. Exits within age expectations	65.2%	77.39%	Yes		76.4%	81.1%
8A	Parent Survey	Age 3-5	39.0%	51%	Yes	Data meets the State's target in 3-5 and 6-21.	48%	49%
		Age 6-21	36.0%	43%	Yes		40%	41%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification N size is < 30* Disproportionate representation exits in the category	*Amer Indian/Alaska Native*	< 2.0	0.90	Yes	Compliant. No significant disproportionate representation. No required action.	^	0.85
		Asian	< 2.0	0.43	Yes			0.43
		Black, African American	< 2.0	1.55	Yes			1.55
		Native Haw/Pacific Islander	< 2.0	1.10	Yes			0.64
		White	< 2.0	0.81	Yes			0.81
		2 or more races	< 2.0	0.89	Yes			0.88
		Hispanic	< 2.0	0.76	Yes			0.75
		Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	99.81%	No	Noncompliant. Correction verified by M&A staff; finding closed.	99.30%	99.61%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Yes	Compliant. Data verified by M&A staff. No required action.	92.0%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2011 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	2.12	0.64	0.52	1.77	0.80	0.84	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.74	0.32	0.19	0.58	0.84	0.29	
		Black/African American	2.16	1.91	2.11	1.05	0.92	1.58	
		Native Hawaiian/ Pacific Islander	0.76	1.25	1.11	1.26	0.43	1.21	
		White	0.57	0.61	0.72	1.02	1.29	0.92	
		2 or more races	0.54	0.80	1.49	0.68	0.87	1.01	
		Hispanic	0.66	0.99	0.30	1.11	0.66	0.49	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2010 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.58	0.85	1.04	0.89	0.84	0.96	**NA**
		Asian	0.54	0.27	0.18	0.71	0.88	0.36	
		Black/African American	2.14	1.89	2.27	1.09	0.85	1.55	
		Native Hawaiian/ Pacific Islander	1.37	0.74	0.46	0.29	0.00	1.15	
		White	0.58	0.63	0.72	0.94	1.41	0.94	
		2 or more races	0.58	0.85	1.04	0.89	0.84	0.96	
		Hispanic	0.73	0.95	0.26	1.08	0.61	0.44	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)	Met – 0%
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	Met – 66.14%	Met – 67.12%
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	Met – 14.04%	Met – 13.66%
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	Not Met – 7.12%	Not Met – 7.01%
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	**Met – 63.9%**	**Met – 65.5%**
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	**Not Met – 63.6%**	**Met – 67.0%**
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		**Met – 49%**	**Met – 49%**
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		**Met – 40%**	**Met – 42%**
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		**Met – 0%**	**Met – 0%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. S. Dallas Dance
Superintendent
Baltimore County Public Schools
6901 North Charles Street
Towson, MD 21204

Dear Dr. Dance:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Baltimore County Public Schools (BCPS) has received the determination status of "**Needs Assistance, Year Seven.**"

To achieve the determination status of "Meets Requirements," the BCPS is required to meet or exceed the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** not be significantly below the target on the Least Restrictive Environment (LRE) Indicators (5a, 5b, or 5c). In addition, the BCPS must demonstrate 100% compliance for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** have no corrective actions or have corrected all previously identified findings of noncompliance within one year of identification (Indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides an analysis of the BCPS' data. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local school system.

The BCPS FFY 2005 (2005-2006) through FFY 2010 (2010-2011) determinations were also "Needs Assistance." The specific indicators most critical to receiving "Meets Requirements" status for the BCPS are: Indicator 1 (Graduation), Indicator 2 (Drop Out), Indicator 4 (Suspension/Expulsion), Indicator 5 (Least Restrictive Environment), and Indicator 11 (Initial Evaluation Timeline). Local school systems below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance required to address specific needs. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA. Attached is a *Technical Assistance Contact List* of Division personnel able to assist the BCPS on each of the SPP Indicators.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

The MSDE is committed to supporting the efforts of the BCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Debra Y. Brooks
Branch/Section Chiefs

March 20, 2013
Baltimore County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

6.39%FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	52.49%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	59.32%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	6.93%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	5.81%	6.39%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not met	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Not met	No		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	> 95%	Yes	Data meets the State's target.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	75.47%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	65.08%	69.50%
			Reading	83.64%	72.33%	No		69.67%	73.54%
		4	Mathematics	85.57%	77.29%	No		72.06%	73.67%
			Reading	88.45%	73.80%	No		71.54%	74.92%
		5	Mathematics	82.38%	74.42%	No		59.43%	63.99%
			Reading	85.68%	67.07%	No		72.48%	73.43%
		6	Mathematics	79.36%	55.25%	No		45.27%	55.84%
			Reading	86.50%	51.60%	No		55.72%	56.69%
		7	Mathematics	78.49%	51.67%	No		50.89%	52.13%
			Reading	85.75%	51.26%	No		55.96%	55.35%
		8	Mathematics	77.91%	54.16%	No		41.11%	38.50%
			Reading	84.45%	38.87%	No		56.55%	55.75%
		HS	Mathematics	73.67%	58.70%	No		53.31%	55.08%
			Reading	79.50%	55.70%	No		57.09%	60.45%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	2.34	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	2.15
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		**< 2.0**	1.33	Yes	Data meets the State target. No action required.	^	2.30
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity**	*Amer Indian/Alaska Native*	**< 2.0**	4.25*	Yes	Significant discrepancy exists. A review of policies, procedures and practices do not contribute to the significant discrepancy. No action required.	Δ	0.00
		Asian	**< 2.0**	0.00	Yes			0.00
		Black or African American	**< 2.0**	3.46	No			3.67
		Native Haw/Pacific Islander	**< 2.0**	0.00	Yes			0.00
		White	**< 2.0**	1.04	Yes			1.19
		2 or more races	**< 2.0**	0.93	Yes			0.00
	Discrepancy exists in the category N size is < 30*	*Hispanic*	**< 2.0**	2.12**	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	**No**	No	Yes			
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	63.71%	Yes	Data meets the State's target. No required action.	64.32%	63.81%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	12.94%	Yes	Data meets the State's target. No required action.	13.14%	13.82%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	7.36%	No	Data does not meet the State target. Improvement Plan required.	7.61%	7.24%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	59.61%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	18.61%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	62.33%	No	Data does not meet the State target in category 7A1 and 7A2. Improvement Plan required.	62.7%	69.3%
		2. Exits within age expectations	**72.5%**	67.37%	No		64.3%	69.2%

^Data calculation change; data not comparable to FFY 2011 data. Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	61.26%	No	Data does not meet the State target in category 7B1 and 7B2. Improvement Plan required.	58.9%	70.7%
		2. exits within age expectations	58.3%	57.11%	No		46.7%	57.1%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	58.28%	No	Data does not meet the State target in category 7C1 and 7C2. Improvement Plan required.	52.8%	62.6%
		2. Exits within age expectations	65.2%	64.10%	No		53.6%	65.2%
8A	Parent Survey	Age 3-5	39.0%	54%	Yes	Data meets the State's target in 3-5 and 6-21.	39%	44%
		Age 6-21	36.0%	44%	Yes		40%	36%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.01	Yes	No significant disproportionate representation. No action required.	^	1.09
		Asian	< 2.0	0.38	Yes			0.37
		Black, African American	< 2.0	1.25	Yes			1.23
		Native Haw/Pacific Islander	< 2.0	0.80	Yes			0.91
		White	< 2.0	1.00	Yes			1.01
		2 or more races	< 2.0	0.90	Yes			0.86
		Hispanic	< 2.0	0.83	Yes			0.82
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			
Indicator 10 on next page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.20%	No	Noncompliant. Correction verified by M&A staff; finding closed.	97.38%	98.67%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	97.46%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	NC
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.58	2.48*	1.69	0.47	1.22	Disproportionate representation does not exist. No action required.
		Asian	0.49	0.28	0.08	0.54	0.73	0.17	
		Black/African American	1.57	1.57	1.65	0.70	0.94	1.30	
		Native Hawaiian/ Pacific Islander	0.00	1.39	0.00	0.83	0.00	0.83	
		White	0.84	0.73	1.02	0.46	1.33	1.16	
		2 or more races	0.76	0.87	0.93	1.03	0.79	0.88	
		Hispanic	0.73	1.09	0.31	0.97	0.66	0.53	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.53	0.83	2.56*	1.19	0.73	1.06	NA
		Asian	0.38	0.28	0.07	0.62	0.68	0.16	
		Black/African American	1.53	1.55	1.71	0.71	0.90	1.24	
		Native Hawaiian/ Pacific Islander	0.00	1.44	2.13*	1.11	0.00	0.00	
		White	0.88	0.74	0.95	1.46	1.38	1.24	
		2 or more races	0.79	0.84	0.92	1.02	0.78	0.62	
		Hispanic	0.67	1.08	0.31	0.95	0.66	0.51	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Jack R. Smith
Superintendent
Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

Dear Dr. Smith:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Calvert County Public Schools (CCPS) has received the determination status of "**Needs Assistance, Year Five.**"

To achieve the determination status of "Meets Requirements," the CCPS is required to meet or exceed the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** not be significantly below the target on the Least Restrictive Environment (LRE) Indicators (5a, 5b, or 5c). In addition, the CCPS must demonstrate 100% compliance for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** have no corrective actions or have corrected all previously identified findings of noncompliance within one year of identification (Indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides an analysis of the CCPS' data. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local school system.

The CCPS determination status for FFY 2007 (2007 – 2008) through FFY 2010 (2010 – 2011) was also "Needs Assistance." The specific indicators most critical to receiving "Meets Requirements" status for the CCPS are: Indicator 1 (Graduation), Indicator 5 (Least Restrictive Environment), and Indicator 13 (Secondary Transition). Local school systems below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance required to address specific needs. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA. Attached is a *Technical Assistance Contact List* of Division personnel able to assist the CCPS on each of the SPP Indicators.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Annette Lagana
Branch/Section Chiefs

March 20, 2013
Calvert County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	72.41%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	83.91%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	≤ 3.00%	Yes	Data meets the State's target. No required action.	2.77%	<3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not Met	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	> 95	Yes	Data meets the State's target. No required action.	> 95	> 95
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	70.40%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	69.84%	69.30%
			Reading	83.64%	70.63%	No		69.05%	71.93%
		4	Mathematics	85.57%	66.04%	No		71.70%	68.66%
			Reading	88.45%	77.36%	No		64.15%	75.19%
		5	Mathematics	82.38%	58.77%	No		52.46%	56.44%
			Reading	85.68%	78.07%	No		71.07%	69.31%
		6	Mathematics	79.36%	58.54%	No		48.78%	57.28%
			Reading	86.50%	53.66%	No		70.97%	65.05%
		7	Mathematics	78.49%	57.30%	No		52.46%	50.45%
			Reading	85.75%	51.69%	No		58.20%	67.86%
		8	Mathematics	77.91%	46.88%	No		31.19%	42.59%
			Reading	84.45%	60.42%	No		50.00%	67.27%
		HS	Mathematics	73.67%	60.98%	No		67.71%	67.74%
			Reading	79.50%	67.95%	No		61.46%	63.83%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	1.15	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		**< 2.0**	0.00	Yes	Data meets the State's target. No required action.	^	0.00
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity**	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	**< 2.0**	0.00	Yes			0.00
		Black or African American	**< 2.0**	0.96	Yes			0.00
		Native Haw/Pacific Islander	**< 2.0**	0.00	Yes			0.00
		White	**< 2.0**	1.04	Yes			0.00
		2 or more races	**< 2.0**	0.00	Yes			0.00
		Hispanic	**< 2.0**	0.00	Yes			0.00
	Discrepancy exists in the category N size is < 30*	**Policies/ procedures/ practices contribute to the discrepancy.**	**No**	NA	NA			NA
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	55.74%	No	Data does not meet the State's target. Improvement Plan required.	55.11%	55.01%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	7.31%	Yes	Data meets the State's target. No required action.	7.39%	8.69%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	6.54%	No	Data does meet the State's target. Improvement Plan required.	6.17%	6.33%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	65.94%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	20.96%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	63.64%	No	Data does not meet the State's target category 7A1 and 7A2. Improvement Plan required.	78.4%	59.5%
		2. Exits within age expectations	**72.5%**	71.88%	No		80.6%	66.0%

^Data calculation change; data not comparable to FFY 2011 data. Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	70.18%	Yes	Data does not meet the State's target in category 7B2. Improvement Plan required.	67.6%	71.7%
		2. exits within age expectations	58.3%	51.56%	No		54.2%	54.0%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	58.82%	No	Data does not meet the State's target in category 7C1. Improvement Plan required.	67.3%	48.6%
		2. Exits within age expectations	65.2%	67.19%	Yes		69.4%	58.0%
8A	Parent Survey	Age 3-5	39.0%	42%	Yes	Data meets the State target for 3-5 and 6-21.	56%	68%
		Age 6-21	36.0%	55%	Yes		45%	37%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.80	Yes	No significant disproportionate representation. No required action.	^	1.02
		Asian	< 2.0	0.34	Yes			0.27
		Black, African American	< 2.0	1.87	Yes			1.86
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.68	Yes			0.69
		2 or more races	< 2.0	0.65	Yes			0.60
		Hispanic	< 2.0	0.86	Yes			0.88
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	98.58%	98.99%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	< 100%	No	Noncompliant. Correction could not be verified by M&A staff. Finding remains open.	34.0%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2011 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**							Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian							
		Black/African American	1.93	2.85	2.25*	1.79	0.77	1.35	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.84	0.50	0.57	0.61	1.20	1.02	
		2 or more races	0.28	0.35	0.44	0.95	0.83	0.50	
		Hispanic	0.64	0.70	1.07	1.13	0.99	0.78	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2010 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	1.27	0.00	0.76	2.02*	1.22	**NA**
		Asian	0.00	0.12	0.00	0.29	1.22	0.23	
		Black/African American	1.90	2.85	2.25*	1.79	0.77	1.35	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.84	0.57	0.57	0.61	1.20	1.02	
		2 or more races	0.28	0.35	0.44	0.95	0.83	0.50	
		Hispanic	0.64	0.70	1.07	1.13	0.99	0.78	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

<table>
<tr><th>Indicator</th><th>Description</th><th colspan="3">SPP Target for FFY 2011</th><th>FFY 2010
Met/Not Met</th><th>FFY 2011
Met/Not Met</th></tr>
<tr><td>1</td><td>Graduation Rates</td><td colspan="3">90% of youth with IEPs will graduate from high school with a diploma.</td><td>Not Met – 54.75%</td><td>Not Met – 56.57%</td></tr>
<tr><td>2</td><td>Drop-Out Rates</td><td colspan="3">The dropout rate of students with IEPs will be 3.27% or less.</td><td>Not Met – 4.46%</td><td>Not Met – 5.41%</td></tr>
<tr><td>3a</td><td>Student Achievement – AMO</td><td colspan="3">50% of the State's local school systems will meet AMO for the subgroup of students with disabilities</td><td>Not Met – 8%
(2 of 24 LSS)</td><td>Not Met – 48%
(12 of 25 LSS)

-includes SEED School</td></tr>
<tr><td>3b</td><td>Student Achievement – Participation</td><td colspan="3">95% of students with disabilities will participate in the Statewide assessment system.</td><td>Met – 99.1%</td><td>Met – 99.1%</td></tr>
<tr><td>3c</td><td>Student Achievement – Proficiency</td><td colspan="3"><table><tr><th>Grade</th><th>Mathematics</th><th>Reading</th></tr><tr><td>3</td><td>85.65%</td><td>83.64%</td></tr><tr><td>4</td><td>85.57%</td><td>88.45%</td></tr><tr><td>5</td><td>82.38%</td><td>85.68%</td></tr><tr><td>6</td><td>79.36%</td><td>86.50%</td></tr><tr><td>7</td><td>78.49%</td><td>85.75%</td></tr><tr><td>8</td><td>77.91%</td><td>84.45%</td></tr><tr><td>10</td><td></td><td>79.50%</td></tr><tr><td>12</td><td>73.67%</td><td></td></tr></table></td><td>Not Met – Indicator Targets were not met in any grade or subject area</td><td>Not Met – Indicator Targets (AMOs) were not met in any grade or subject area

New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver</td></tr>
<tr><td>4a</td><td>Suspension and Expulsion</td><td colspan="3">No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.</td><td>Not Met – 16%
(4 of 24 LSS)</td><td>Not Met – 16%
(4 of 24 LSS)</td></tr>
</table>

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Khalid N. Mumin
Superintendent
Caroline County Public Schools
204 Franklin Street
Denton, MD 21629

Dear Dr. Mumin:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Caroline County Public Schools (CCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the CCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the CCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for CCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Rosemary Thomas
Branch/Section Chiefs

March 20, 2013
Caroline County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		**81.50%**	50.00%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		**84.40%**	53.06%	No		^	^
2	Students with IEPs dropping out (Annual)			**≤ 3.27%**	4.12%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	4.32%	4.12%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		**Meets**	Met	Yes	Data meets the State's target.	^	^
		AMO for Mathematics		**Meets**	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			**≥ 95%**	**< 95%**	No	Not met for grade 8 math, reading/language arts and science.	< 95%	< 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	**85.65%**	64.71%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	57.89%	54.76%
			Reading	**83.64%**	66.67%	No		71.05%	50.00%
		4	Mathematics	**85.57%**	53.19%	No		59.18%	73.81%
			Reading	**88.45%**	56.25%	No		72.34%	69.05%
		5	Mathematics	**82.38%**	48.78%	No		48.39%	35.90%
			Reading	**85.68%**	60.98%	No		64.52%	58.97%
		6	Mathematics	**79.36%**	64.86%	No		44.12%	53.57%
			Reading	**86.50%**	56.76%	No		44.12%	57.14%
		7	Mathematics	**78.49%**	89.29%	No		63.16%	55.88%
			Reading	**85.75%**	57.14%	No		42.11%	64.71%
		8	Mathematics	**77.91%**	52.94%	No		58.33%	50.00%
			Reading	**84.45%**	47.06%	No		69.44%	52.78%
		HS	Mathematics	**73.67%**	52.78%	No		57.69%	56.82%
			Reading	**79.50%**	52.94%	No		37.50%	51.16%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	1.22	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		**< 2.0**	0.00	Yes	Data meets the State's target. No required action.	^	0.00
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity** **Discrepancy exists in the category** **N size is < 30***	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Yes	No significant discrepancy. No action required.	Δ	0.00
		Asian	**< 2.0**	0.00	Yes			0.00
		Black or African American	**< 2.0**	6.07*	Yes			0.00
		Native Haw/Pacific Islander	**< 2.0**	0.00	Yes			0.00
		White	**< 2.0**	0.00	Yes			0.00
		2 or more races	**< 2.0**	0.00	Yes			0.00
		Hispanic	**< 2.0**	0.00	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	83.69%	Yes	Data meets the State's target.	82.64%	83.03%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	9.71%	Yes	Data meets the State's target.	10.12%	11.66%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	2.33%	Yes	Data meets the State's target.	1.86%	1.84%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	87.69%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	1.54%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	80.0%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	75.0%	85.7%
		2. Exits within age expectations	**72.5%**	88.0%	Yes		50.0%	73.5%

^Data calculation change; data not comparable to FFY 2011 data. Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	70.59%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	50.0%	82.1%
		2. exits within age expectations	58.3%	80.00%	Yes		25.0%	64.7%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	66.67%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	0.0%	72.7%
		2. Exits within age expectations	65.2%	84.00%	Yes		25.0%	73.5%
8A	Parent Survey	Age 3-5	39.0%	60.00%	Yes	Data meets the State's target in 3-5 and 6-21.	29%	57%
		Age 6-21	36.0%	61.00%	Yes		45%	60%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.49	Yes	No significant disproportionate representation. No required action.	^	1.14
		Asian	< 2.0	0.62	Yes			0.29
		Black, African American	< 2.0	1.41	Yes			1.50
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			3.29*
		White	< 2.0	0.88	Yes			0.95
		2 or more races	< 2.0	1.06	Yes			1.18
		Hispanic	< 2.0	0.65	Yes			0.49
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)					NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	93.13%	No	Noncompliant. Correction verified by M&A staff; finding closed.	100%	98.63%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	96.4%	No	Noncompliant. Correction verified by M&A staff; finding closed.	97.0%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	< 100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	4.37*	0.00	0.00	0.00	0.00	Disproportionate representation does not exist. No action is required
		Asian	0.00	0.00	0.00	2.54*	0.00	0.00	
		Black/African American	2.69*	1.42	2.00*	0.94	1.52	1.51	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.47	0.97	0.86	1.03	0.76	0.72	
		2 or more races	0.34	0.98	1.08	0.82	2.19*	2.59*	
		Hispanic	1.08	0.72	0.31	0.40	0.86	0.85	
		Disproportionate representation is due to inappropriate identification	0.00	4.37*	0.00	0.00	0.00	0.00	

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	2.84	0.00	0.00	0.00	0.00	NA
		Asian	0.00	0.00	0.00	1.23	0.00	0.00	
		Black/African American	2.15*	1.71	2.75	1.24	0.99	1.52	
		Native Hawaiian/ Pacific Islander	0.00	7.91*	0.00	0.00	0.00	0.00	
		White	0.63	0.84	0.10	1.03	1.36	0.75	
		2 or more races	0.00	1.08	0.00	1.12	1.36	3.10*	
		Hispanic	1.13	0.49	1.07	0.28	0.71	0.60	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

<table>
<tr><th>Indicator</th><th>Description</th><th>SPP Target for FFY 2011</th><th>FFY 2010
Met/Not Met</th><th>FFY 2011
Met/Not Met</th></tr>
<tr><td>1</td><td>Graduation Rates</td><td>90% of youth with IEPs will graduate from high school with a diploma.</td><td>Not Met – 54.75%</td><td>Not Met – 56.57%</td></tr>
<tr><td>2</td><td>Drop-Out Rates</td><td>The dropout rate of students with IEPs will be 3.27% or less.</td><td>Not Met – 4.46%</td><td>Not Met – 5.41%</td></tr>
<tr><td>3a</td><td>Student Achievement – AMO</td><td>50% of the State's local school systems will meet AMO for the subgroup of students with disabilities</td><td>Not Met – 8%
(2 of 24 LSS)</td><td>Not Met – 48%
(12 of 25 LSS)

-includes SEED School</td></tr>
<tr><td>3b</td><td>Student Achievement – Participation</td><td>95% of students with disabilities will participate in the Statewide assessment system.</td><td>Met – 99.1%</td><td>Met – 99.1%</td></tr>
<tr><td>3c</td><td>Student Achievement – Proficiency</td><td><table><tr><th>Grade</th><th>Mathematics</th><th>Reading</th></tr><tr><td>3</td><td>85.65%</td><td>83.64%</td></tr><tr><td>4</td><td>85.57%</td><td>88.45%</td></tr><tr><td>5</td><td>82.38%</td><td>85.68%</td></tr><tr><td>6</td><td>79.36%</td><td>86.50%</td></tr><tr><td>7</td><td>78.49%</td><td>85.75%</td></tr><tr><td>8</td><td>77.91%</td><td>84.45%</td></tr><tr><td>10</td><td></td><td>79.50%</td></tr><tr><td>12</td><td>73.67%</td><td></td></tr></table></td><td>Not Met – Indicator Targets were not met in any grade or subject area</td><td>Not Met – Indicator Targets (AMOs) were not met in any grade or subject area

New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver</td></tr>
<tr><td>4a</td><td>Suspension and Expulsion</td><td>No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.</td><td>Not Met – 16%
(4 of 24 LSS)</td><td>Not Met – 16%
(4 of 24 LSS)</td></tr>
</table>

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Mr. Stephen H. Guthrie
Superintendent
Carroll County Public Schools
125 North Court Street
Westminster, MD 21157

Dear Mr. Guthrie:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Carroll County Public Schools (CCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the CCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the CCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for CCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Russell Gray
Branch/Section Chiefs

March 20, 2013
Carroll County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators (Results Indicator / Compliance Indicator)				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	76.56%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	76.92%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	≤ 3.00%	Yes	Data meets the State's target. No required action.	2.72%	<3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data meets the State's target. No required action.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target. No required action.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	71.61%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	72.36%	65.42%
			Reading	83.64%	73.84%	No		74.39%	64.58%
		4	Mathematics	85.57%	70.71%	No		71.02%	76.01%
			Reading	88.45%	74.06%	No		70.85%	82.66%
		5	Mathematics	82.38%	64.96%	No		65.78%	60.91%
			Reading	85.68%	83.94%	No		77.27%	77.18%
		6	Mathematics	79.36%	66.26%	No		67.62%	62.95%
			Reading	86.50%	65.71%	No		76.83%	68.13%
		7	Mathematics	78.49%	57.02%	No		53.04%	48.33%
			Reading	85.75%	68.56%	No		75.22%	69.04%
		8	Mathematics	77.91%	40.25%	No		33.64%	35.71%
			Reading	84.45%	62.87%	No		62.16%	59.13%
		HS	Mathematics	73.67%	59.59%	No		50.00%	61.16%
			Reading	79.50%	60.31%	No		50.45%	54.09%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.77	Yes	Data meets the State's target. No required action.	Yes	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.24	Yes	Data meets the State's target. No required action.	Yes	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	2.08**	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	1.50	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	0.00	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	76.14%	Yes	Data meets the State's target. No required action.	74.68%	75.22%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	7.07%	Yes	Data meets the State's target. No required action.	8.21%	8.48%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	3.53%	Yes	Data meets the State's target. No required action.	5.31%	4.15%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	43.29%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	21.64%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	No data submitted	No	Data was not submitted. Improvement plan is required to address the timely submission of data.	100%	66.6%
		2. Exits within age expectations	72.5%	No data submitted	No		100%	83.3%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	No data submitted	No	Data was not submitted. Improvement plan is required to address the timely submission of data.	100%	55.5%
		2. exits within age expectations	58.3%	No data submitted	No		100%	66.7%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	No data submitted	No	Data was not submitted. Improvement plan is required to address the timely submission of data.	100%	66.7%
		2. Exits within age expectations	65.2%	No data submitted	No		100%	75.0%
8A	Parent Survey	Age 3-5	39.0%	47%	Yes	Data meets the State's target in 3-5 and 6-21.	51%	42%
		Age 6-21	36.0%	41%	Yes		38%	51%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.40	Yes	No significant disproportionate Representation. No required action.	^	1.33
		Asian	< 2.0	0.52	Yes			0.44
		Black, African American	< 2.0	1.78	Yes			1.90
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.88	Yes			0.63
		2 or more races	< 2.0	1.00	Yes			0.91
		Hispanic	< 2.0	0.83	Yes			0.80
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on next page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.90%	No	Noncompliant. Correction verified by M&A staff; finding closed.	100%	97.77%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	96.15%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2011 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	0.95	1.81	1.45	1.68	0.79	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.28	0.15	0.00	0.93	0.80	0.46	
		Black/African American	2.96*	2.19	1.89	1.59	1.40	1.57	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.46	0.60	0.66	0.67	0.97	0.67	
		2 or more races	1.19	0.78	0.89	1.14	0.83	1.08	
		Hispanic	0.46	0.84	0.99	0.78	0.43	1.09	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2010 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	1.17	1.81	0.54	2.14*	1.57	**NA**
		Asian	0.36	0.20	0.00	0.82	0.22	0.25	
		Black/African American	2.41*	1.98	2.75*	1.63	1.45	2.29	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.62	0.66	0.55	0.60	1.09	0.56	
		2 or more races	0.77	0.56	0.60	1.75	1.21	0.70	
		Hispanic	0.41	0.87	0.55	0.85	0.25	0.79	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

<table>
<tr><th>Indicator</th><th>Description</th><th colspan="4">SPP Target for FFY 2011</th><th>FFY 2010
Met/Not Met</th><th>FFY 2011
Met/Not Met</th></tr>
<tr><td>1</td><td>Graduation Rates</td><td colspan="4">90% of youth with IEPs will graduate from high school with a diploma.</td><td>Not Met – 54.75%</td><td>Not Met – 56.57%</td></tr>
<tr><td>2</td><td>Drop-Out Rates</td><td colspan="4">The dropout rate of students with IEPs will be 3.27% or less.</td><td>Not Met – 4.46%</td><td>Not Met – 5.41%</td></tr>
<tr><td>3a</td><td>Student Achievement – AMO</td><td colspan="4">50% of the State's local school systems will meet AMO for the subgroup of students with disabilities</td><td>Not Met – 8%
(2 of 24 LSS)</td><td>Not Met – 48%
(12 of 25 LSS)

-includes SEED School</td></tr>
<tr><td>3b</td><td>Student Achievement – Participation</td><td colspan="4">95% of students with disabilities will participate in the Statewide assessment system.</td><td>Met – 99.1%</td><td>Met – 99.1%</td></tr>
<tr><td>3c</td><td>Student Achievement – Proficiency</td><td>Grade</td><td>Mathematics</td><td>Reading</td><td></td><td>Not Met – Indicator Targets were not met in any grade or subject area</td><td>Not Met – Indicator Targets (AMOs) were not met in any grade or subject area

New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver</td></tr>
<tr><td></td><td></td><td>3</td><td>85.65%</td><td>83.64%</td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>4</td><td>85.57%</td><td>88.45%</td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>5</td><td>82.38%</td><td>85.68%</td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>6</td><td>79.36%</td><td>86.50%</td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>7</td><td>78.49%</td><td>85.75%</td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>8</td><td>77.91%</td><td>84.45%</td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>10</td><td></td><td>79.50%</td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>12</td><td>73.67%</td><td></td><td></td><td></td><td></td></tr>
<tr><td>4a</td><td>Suspension and Expulsion</td><td colspan="4">No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.</td><td>Not Met – 16%
(4 of 24 LSS)</td><td>Not Met – 16%
(4 of 24 LSS)</td></tr>
</table>

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)	Met – 0%
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	Met – 66.14%	Met – 67.12%
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	Met – 14.04%	Met – 13.66%
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	Not Met – 7.12%	Not Met – 7.01%
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. D'Ette W. Devine
Superintendent
Cecil County Public Schools
201 Booth Street
Elkton, MD 21921

Dear Dr. Devine:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Cecil County Public Schools (CCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the CCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the CCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for CCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Sarah J. Farr
Branch/Section Chiefs

March 20, 2013
Cecil County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators (Results Indicator / Compliance Indicator)				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	45.11%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	50.75%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	6.89%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	6.79%	6.89%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not Met	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	> 95%	Yes	Data meets the State's target. No required action.	> 95%	> 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	61.90%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	56.69%	54.55%
			Reading	83.64%	79.59%	No		72.26%	70.83%
		4	Mathematics	85.57%	63.95%	No		67.83%	66.87%
			Reading	88.45%	75.58%	No		70.63%	80.37%
		5	Mathematics	82.38%	55.36%	No		43.71%	55.03%
			Reading	85.68%	74.40%	No		69.88%	69.13%
		6	Mathematics	79.36%	47.10%	No		44.03%	45.00%
			Reading	86.50%	51.92%	No		52.53%	69.38%
		7	Mathematics	78.49%	45.03%	No		38.56%	43.75%
			Reading	85.75%	39.86%	No		50.00%	50.94%
		8	Mathematics	77.91%	32.00%	No		28.47%	29.45%
			Reading	84.45%	38.67%	No		50.36%	53.42%
		HS	Mathematics	73.67%	56.86%	No		55.65%	57.03%
			Reading	79.50%	47.00%	No		41.82%	49.58%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	0.28	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		**< 2.0**	1.49	Yes	Data meets the State's target. No required action.	^	0.00
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity**	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	**< 2.0**	0.00	Yes			0.00
		Black or African American	**< 2.0**	2.18	Yes			0.00
		Native Haw/Pacific Islander	**< 2.0**	0.00	Yes			0.00
		White	**< 2.0**	0.71	Yes			0.00
		2 or more races	**< 2.0**	0.00	Yes			0.00
		Hispanic	**< 2.0**	0.00	Yes			0.00
	Discrepancy exists in the category N size is < 30*	**Policies/ procedures/ practices contribute to the discrepancy.**	**No**	NA	NA			NA
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	88.72%	Yes	Data meets the State's target. No required action.	90.24%	90.29%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	3.20%	Yes	Data meets the State's target. No required action.	2.16%	1.77%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	4.42%	Yes	Data meets the State's target. No required action.	4.16%	4.44%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	89.45%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	0.39%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	74.60%	Yes	Data does not meet the State's target in category 7A2. Improvement Plan required.	61.7%	46.8%
		2. Exits within age expectations	**72.5%**	69.52%	No		56.7%	61.2%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	65.79%	No	Data does not meet the State's target in categories 7B1 and 7B2. Improvement Plan required.	52.7%	45.2%
		2. exits within age expectations	58.3%	55.24%	No		43.3%	49.4%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	55.74%	No	Data does not meet the State's target in categories 7C1 and 7C2. Improvement Plan required.	53.8%	44.4%
		2. Exits within age expectations	65.2%	60.0%	No		47.8%	50.6%
8A	Parent Survey	Age 3-5	39.0%	67%	Yes	Data meets the State's target in 3-5 and 6-21.	47%	42%
		Age 6-21	36.0%	42%	Yes		39%	44%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.95	Yes	No significant disproportionate representation. No required action.	^	0.33
		Asian	< 2.0	0.17	Yes			0.26
		Black, African American	< 2.0	1.27	Yes			1.37
		Native Haw/Pacific Islander	< 2.0	0.42	Yes			0.00
		White	< 2.0	0.96	Yes			0.85
		2 or more races	< 2.0	0.85	Yes			0.81
		Hispanic	< 2.0	1.14	Yes			1.12
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	99.40%	No	Noncompliant. Correction verified by M&A staff; finding closed.	97.65%	98.75%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Yes	Compliant. Data verified by M&A staff. No required action.	44.0%	80.0%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Non-compliant
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2011 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	0.45	2.30*	2.44*	0.00	1.17	No significant disproportionate representation exists. No action required.
		Asian	0.00	0.00	0.00	0.73	1.17	0.00	
		Black/African American	2.73*	1.18	3.93*	0.78	0.55	1.33	
		Native Hawaiian/ Pacific Islander	0.00	1.00	0.00	0.00	0.00	0.00	
		White	0.52	0.99	0.36	1.17	1.71	0.84	
		2 or more races	0.00	0.67	0.61	1.07	1.29	1.20	
		Hispanic	0.97	1.31	0.55	1.18	0.69	1.23	
		Disproportionate representation is due to inappropriate identification	0.00	0.45	2.30*	2.44*	0.00	1.17	

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2010 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	0.36	0.00	1.10	0.00	0.00	**NA**
		Asian	0.00	0.11	0.00	1.08	0.00	0.32	
		Black/African American	3.80*	1.34	2.40*	0.87	0.58	1.55	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.46	0.82	0.59	1.17	1.59	0.73	
		2 or more races	0.00	0.57	0.60	1.14	1.41	1.30	
		Hispanic	0.47	1.43	0.79	0.78	1.45	0.97	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)	Met – 0%
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	Met – 66.14%	Met – 67.12%
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	Met – 14.04%	Met – 13.66%
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	Not Met – 7.12%	Not Met – 7.01%
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Mr. James E. Richmond
Superintendent
Charles County Public Schools
P.O. Box 2770
LaPlata, MD 20646

Dear Mr. Richmond:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Charles County Public Schools (CCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the CCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the CCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for CCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the CCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Arden Sotomayor
Branch/Section Chiefs

March 20, 2013
Charles County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	64.91%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	71.79%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	3.41%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	2.98%	3.41%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data meets the State's target. No required action.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	> 95%	Yes	Data meets the State's target. No required action.	> 95%	> 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	53.61%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	62.42%	51.98%
			Reading	83.64%	65.27%	No		66.88%	55.06%
		4	Mathematics	85.57%	60.20%	No		59.44%	65.88%
			Reading	88.45%	61.50%	No		59.12%	71.76%
		5	Mathematics	82.38%	59.55%	No		60.71%	51.20%
			Reading	85.68%	70.39%	No		66.47%	64.02%
		6	Mathematics	79.36%	56.40%	No		46.24%	60.69%
			Reading	86.50%	61.63%	No		55.23%	63.16%
		7	Mathematics	78.49%	52.30%	No		43.40%	47.51%
			Reading	85.75%	59.20%	No		47.80%	49.45%
		8	Mathematics	77.91%	40.96%	No		33.54%	45.75%
			Reading	84.45%	51.34%	No		46.88%	59.33%
		HS	Mathematics	73.67%	57.79%	No		57.66%	54.13%
			Reading	79.50%	71.81%	No		57.26%	64.76%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.30	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.41	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No action required.	Δ	0.00
		Asian	< 2.0	1.98	Yes			0.00
		Black or African American	< 2.0	0.33	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.22	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	0.85	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	68.53%	Yes	Data meets the State's target. No required action.	62.64%	64.73%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	14.67%	Yes	Data meets the State's target. No required action.	17.97%	18.38%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	2.50%	Yes	Data meets the State's target. No required action.	2.68%	2.84%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	83.01%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥ 60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	8.17%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤ 21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	59.26%	No	Data does not meet the State's targets in categories 7A1 and 7A2. Improvement Plan required.	0.00%	64.3%
		2. Exits within age expectations	72.5%	48.65%	No		100%	63.4%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	50.00%	No	Data does not meet the State's targets in categories 7B1 and 7B2. Improvement Plan required.	0.00%	65.6%
		2. exits within age expectations	58.3%	32.43%	No		100%	53.6%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	46.67%	No	Data does not meet the State's targets in categories 7C1 and 7C2. Improvement Plan required.	0.00%	75.0%
		2. Exits within age expectations	65.2%	43.24%	No		100%	56.1%
8A	Parent Survey	Age 3-5	39.0%	42%	Yes	Data meets the State's targets in 3-5 and 6-21.	36%	36%
		Age 6-21	36.0%	45%	Yes		37%	42%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.07	Yes	No significant disproportionate representation. No required action.	^	0.66
		Asian	< 2.0	0.57	Yes			0.59
		Black, African American	< 2.0	0.31	Yes			1.25
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.99	Yes			1.02
		2 or more races	< 2.0	0.90	Yes			0.83
		Hispanic	< 2.0	0.78	Yes			0.68
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on next page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	99.04%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Yes	Compliant. Data verified by M&A staff. No required action.	72.0%	96.0%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	100%	< 100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2011 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	1.18	1.49	0.97	0.27	1.69	0.86	No significant disproportionate representation exists. No action required.
		Asian	0.74	0.30	0.40	0.75	1.48	0.45	
		Black/African American	1.76	1.56	1.13	1.01	0.84	1.50	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.88	0.78	1.25	1.08	1.05	1.01	
		2 or more races	0.59	0.63	0.86	1.12	1.07	1.04	
		Hispanic	0.27	0.99	0.57	0.87	0.93	0.35	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2010 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.97	0.58	0.84	0.00	1.68	1.37	**NA**
		Asian	0.88	0.45	0.37	0.63	1.57	0.30	
		Black/African American	1.73	1.52	1.22	1.09	0.71	1.53	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.86	0.81	1.16	1.15	1.23	0.98	
		2 or more races	0.15	0.62	0.38	1.20	1.17	0.91	
		Hispanic	0.38	0.89	0.68	0.59	0.81	0.42	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

ch 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)	Met – 0%
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	Met – 66.14%	Met – 67.12%
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	Met – 14.04%	Met – 13.66%
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	Not Met – 7.12%	Not Met – 7.01%
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Henry V. Wagner, Jr.
Superintendent
Dorchester County Board of Education
700 Glasgow Street
Cambridge, MD 21613

Dear Dr. Wagner:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Dorchester County Board of Education (DCBOE) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the DCBOE has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the DCBOE demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for DCBOE. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the DCBOE to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Angela McPeake Gebert
Branch/Section Chiefs

March 20, 2013
Dorchester County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators (Results Indicator / Compliance Indicator)				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	46.15%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	57.50%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	≤ 3.00%	Yes	Data meets the State's target. No required action.	0.00%	<3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Not Met	No		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	< 95%	Yes	Data meets the State's target. No required action.	< 95%	< 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	39.39%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	51.61%	58.33%
			Reading	83.64%	42.42%	No		58.06%	76.00%
		4	Mathematics	85.57%	48.57%	No		61.29%	70.59%
			Reading	88.45%	62.86%	No		70.97%	61.76%
		5	Mathematics	82.38%	54.29%	No		44.00%	64.29%
			Reading	85.68%	68.57%	No		60.00%	67.86%
		6	Mathematics	79.36%	48.15%	No		39.29%	50.00%
			Reading	86.50%	69.23%	No		50.00%	50.00%
		7	Mathematics	78.49%	44.00%	No		43.30%	52.00%
			Reading	85.75%	52.00%	No		46.67%	56.00%
		8	Mathematics	77.91%	41.67%	No		33.33%	32.00%
			Reading	84.45%	41.67%	No		42.42%	50.00%
		HS	Mathematics	73.67%	31.82%	No		36.59%	44.83%
			Reading	79.50%	23.81%	No		40.00%	28.57%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	0.00	Yes	Data meets the State's target. No required action.	^	0.00
4A	**Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	0.00	Yes	Data meets the State's target. No required action.	^	0.00
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity**	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Yes	No significant discrepancy. No action required.	Δ	0.00
4B		*Asian*	**< 2.0**	0.00	Yes			0.00
4B		*Black or African American*	**< 2.0**	0.00	Yes			0.00
4B		*Native Haw/Pacific Islander*	**< 2.0**	0.00	Yes			0.00
4B		*White*	**< 2.0**	0.00	Yes			0.00
4B		*2 or more races*	**< 2.0**	0.00	Yes			0.00
4B	**Discrepancy exists in the category**	*Hispanic*	**< 2.0**	0.00	Yes			0.00
4B	**N size is < 30***	**Policies/ procedures/ practices contribute to the discrepancy.**	**No**					NA
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	75.73%	Yes	Data meets the State's target. No required action.	71.64%	74.14%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	2.93%	Yes	Data meets the State's target. No required action.	3.98%	2.11%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	1.33%	Yes	Data meets the State's target. No required action.	1.74%	1.05%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	92.86%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	2.38%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	60.0%	No	Data does not meet the State's target in category 7A1 and 7A2. Improvement Plan required.	0.00%	Not reported
7A		**2. Exits within age expectations**	**72.5%**	62.50%	No		0.00%	Not reported

^Data calculation change; data not comparable to FFY 2011 data. Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	37.50%	No	Data does not meet the State's target in category 7B1 and 7B2. Improvement Plan required.	0.00%	Not reported
		2. exits within age expectations	58.3%	37.50%	No		0.00%	Not reported
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	40.0%	No	Data does not meet the State's target in category 7B1 and 7B2. Improvement Plan required.	0.00%	Not reported
		2. Exits within age expectations	65.2%	50.0%	No		0.00%	Not reported
8A	Parent Survey	Age 3-5	39.0%	50%	Yes	Data meets the State's target in 3-5 and 6-21.	57%	67%
		Age 6-21	36.0%	48%	Yes		40%	46%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.69	Yes	No significant disproportionate representation. No required action.	^	0.93
		Asian	< 2.0	0.24	Yes			0.24
		Black, African American	< 2.0	1.44	Yes			1.38
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.84	Yes			0.96
		2 or more races	< 2.0	0.98	Yes			0.81
		Hispanic	< 2.0	0.87	Yes			0.77
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.63%	No	Noncompliant. Correction verified by M&A staff; finding closed.	100%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	98.63%	No	Compliant. Data verified by M&A staff. No required action.	100%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	98.63%	No	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2011 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	2.51*	0.00	0.00	0.00	0.00	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.00	0.00	0.00	0.00	2.07*	0.00	
		Black/African American	2.19	1.55	2.70*	0.96	0.83	1.52	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.76	0.78	0.87	1.81	0.52	0.68	
		2 or more races	1.07	0.62	0.00	0.72	1.80	1.72	
		Hispanic	0.36	1.17	0.00	0.37	2.18*	1.26	
		Disproportionate representation is due to inappropriate identification	0.00	2.51*	0.00	0.00	0.00	0.00	

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2010 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	3.52*	0.00	0.00	0.00	0.00	**NA**
		Asian	0.00	0.00	0.00	0.00	2.26*	0.00	
		Black/African American	2.20	1.37	2.16*	0.95	0.76	1.12	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.63	1.12	1.05	1.80	0.50	0.67	
		2 or more races	1.38	0.46	0.00	0.78	1.04	1.49	
		Hispanic	0.59	0.61	0.00	0.33	2.85*	2.27*	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)	Met – 0%
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	Met – 66.14%	Met – 67.12%
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	Met – 14.04%	Met – 13.66%
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	Not Met – 7.12%	Not Met – 7.01%
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Theresa R. Alban
Superintendent
Frederick County Board of Education
115 East Church Street
Frederick, MD 21701

Dear Dr. Alban:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Frederick County Board of Education (FCBOE) has achieved the determination status of **"Meets Requirements."**

To achieve the determination status of "Meets Requirements," the FCBOE has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the FCBOE demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for FCBOE. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the FCBOE to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Daniel Martz
Branch/Section Chiefs

March 20, 2013
Frederick County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	72.28%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	75.57%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	≤ 3.00%	Yes	Data meets the State target. No required action.	2.21%	<3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not Met	No	Data meets the State's target for Math; Data does not meet the State target for Reading. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target.	> 95%	> 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	65.67%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	66.99%	69.02%
			Reading	83.64%	75.00%	No		67.31%	79.75%
		4	Mathematics	85.57%	73.50%	No		70.81%	73.39%
			Reading	88.45%	81.48%	No		74.20%	79.82%
		5	Mathematics	82.38%	72.78%	No		61.97%	61.52%
			Reading	85.68%	84.62%	No		76.69%	80.34%
		6	Mathematics	79.36%	68.15%	No		65.09%	64.16%
			Reading	86.50%	66.96%	No		73.75%	65.36%
		7	Mathematics	78.49%	72.05%	No		52.66%	63.06%
			Reading	85.75%	62.11%	No		60.95%	71.97%
		8	Mathematics	77.91%	45.85%	No		39.41%	44.94%
			Reading	84.45%	65.78%	No		61.56%	68.25%
		HS	Mathematics	73.67%	57.35%	No		60.19%	55.74%
			Reading	79.50%	62.60%	No		62.42%	52.67%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator / Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	1.46	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		**< 2.0**	1.17	Yes	Data meets the State's target. No required action.	^	0.00
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity**	*Amer Indian/Alaska Native*	**< 2.0**	0.0	Yes	No significant discrepancy. No action required.	Δ	0.00
		Asian	**< 2.0**	0.0	Yes			0.00
		Black or African American	**< 2.0**	2.61*	Yes			0.00
		Native Haw/Pacific Islander	**< 2.0**	0.0	Yes			0.00
		White	**< 2.0**	1.13	Yes			0.00
		2 or more races	**< 2.0**	2.46*	Yes			0.00
		Hispanic	**< 2.0**	0.60	Yes			0.00
	Discrepancy exists in the category N size is < 30*	**Policies/ procedures/ practices contribute to the discrepancy.**	**No**	NA	NA			NA
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	78.92%	Yes	Data meets the State's target. No required action.	80.33%	79.28%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	6.30%	Yes	Data meets the State's target. No required action.	6.59%	6.08%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	4.75%	Yes	Data meets the State's target. No required action.	4.65%	4.53%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	56.21%	Yes	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥ 60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	7.37%	Yes	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤ 21.3%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	64.12%	No	Data does not meet the State target in category 7A1 and 7A2. Improvement Plan required.	66.7%	73.1%
		2. Exits within age expectations	**72.5%**	68.72%	No		73.3%	75.5%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be reported to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	70.63%	Yes	Data meets the State's target in category 7B1 and 7B2.	73.3%	74.8%
		2. exits within age expectations	58.3%	57.95%	Yes		62.4%	64.2%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	64.84%	Yes	Data meets the State's target in category 7C1 and 7C2.	65.5%	67.1%
		2. Exits within age expectations	65.2%	70.77%	Yes		70.8%	71.7%
8A	Parent Survey	Age 3-5	39.0%	47%	Yes	Data meets the State's target in 3-5 and 6-21.	56%	48%
		Age 6-21	36.0%	48%	Yes		40%	45%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.06	Yes	No significant disproportionate representation exists. No action required.	^	1.02
		Asian	< 2.0	0.38	Yes			0.39
		Black, African American	< 2.0	1.68	Yes			1.58
		Native Haw/Pacific Islander	< 2.0	1.01	Yes			1.62
		White	< 2.0	0.76	Yes			0.78
		2 or more races	< 2.0	0.84	Yes			0.89
		Hispanic	< 2.0	0.77	Yes			0.82
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	99.78%	99.88%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2011 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.0	2.08**	0.91	0.32	1.17	0.39	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.84	0.17	0.20	0.61	0.79	0.22	
		Black/African American	2.48	2.02	2.35	1.57	1.20	1.43	
		Native Hawaiian/ Pacific Islander	0.0	0.0	2.96*	3.10*	0.0	1.27	
		White	0.57	0.59	0.64	0.76	1.04	1.00	
		2 or more races	0.19	0.83	1.16	0.80	0.90	0.87	
		Hispanic	0.49	0.96	0.37	0.81	0.60	0.63	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2010 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	1.56	.67	0.98	0.52	0.97	**NA**
		Asian	0.63	0.21	0.31	0.63	0.74	0.21	
		Black/African American	2.58	1.74	2.15	1.58	1.04	1.37	
		Native Hawaiian/ Pacific Islander	0.00	0.75	3.55*	2.59*	0.00	1.71	
		White	0.57	0.64	0.67	0.72	1.19	1.02	
		2 or more races	0.09	0.99	0.99	0.78	0.98	0.98	
		Hispanic	0.49	1.08	0.42	0.89	0.61	0.61	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Janet Wilson
Superintendent
Garrett County Board of Education
40 South Second Street
Oakland, MD 21701

Dear Dr. Wilson:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Garrett County Board of Education (GCBOE) has achieved the determination status of **"Meets Requirements."**

To achieve the determination status of "Meets Requirements," the GCBOE has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the GCBOE demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for GCBOE. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the GCBOE to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Jennifer Kotulak
Branch/Section Chiefs

March 20, 2013
Garrett County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	52.78%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	50.00%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	≤ 3.00%	Yes	Data meets the State target. No required action	5.70%	< 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data meets the State's target. No required action.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	> 95%	Yes	Data meets the State's target. No required action.	> 95%	> 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	78.38%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	58.97%	74.36%
			Reading	83.64%	70.27%	No		69.23%	82.05%
		4	Mathematics	85.57%	91.43%	Yes		69.23%	75.76%
			Reading	88.45%	71.43%	No		76.92%	84.85%
		5	Mathematics	82.38%	77.42%	No		52.78%	55.26%
			Reading	85.68%	54.84%	No		77.78%	71.05%
		6	Mathematics	79.36%	63.89%	No		48.57%	50.00%
			Reading	86.50%	44.44%	No		62.86%	52.78%
		7	Mathematics	78.49%	62.16%	No		70.27%	57.89%
			Reading	85.75%	63.89%	No		64.86%	65.79%
		8	Mathematics	77.91%	72.97%	No		62.16%	56.41%
			Reading	84.45%	40.54%	No		86.49%	79.49%
		HS	Mathematics	73.67%	55.81%	No		38.18%	57.14%
			Reading	79.50%	43.18%	No		34.69%	58.06%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator / Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	0.00	Yes	Data meets the State target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		**< 2.0**	0.00	Yes	Data meets the State target. No required action.	^	0.00
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity**	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Yes	No significant discrepancy. No action required.	Δ	0.00
		Asian	**< 2.0**	0.00	Yes			0.00
		Black or African American	**< 2.0**	0.00	Yes			0.00
		Native Haw/Pacific Islander	**< 2.0**	0.00	Yes			0.00
		White	**< 2.0**	0.00	Yes			0.00
		2 or more races	**< 2.0**	0.00	Yes			0.00
		Hispanic	**< 2.0**	0.00	Yes			0.00
	Discrepancy exists in the category N size is < 30*	**Policies/ procedures/ practices contribute to the discrepancy.**	**No**	NA	NA			NA
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	81.99%	Yes	Data meets the State target. No required action.	76.69%	76.80%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	6.87%	Yes	Data meets the State target. No required action.	9.96%	9.74%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	4.74%	Yes	Data meets the State target. No required action.	3.81%	3.25%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	77.97%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	3.39%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	71.43%	Yes	Data does not meet the State's target in category 7A2. Improvement Plan required.	100%	81.8%
		2. Exits within age expectations	**72.5%**	60.87%	No		100%	83.3%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	70.59%	Yes	Data does not meet the State's target in category 7B2. Improvement Plan required.	50.0%	87.5%
		2. exits within age expectations	58.3%	52.17%	No		75.0%	77.8%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	76.47%	Yes	Data does not meet the State's target in category 7C2. Improvement Plan required.	50.0%	75.0%
		2. Exits within age expectations	65.2%	60.87%	No		75.0%	77.78%
8A	Parent Survey	Age 3-5	39.0%	67.00%	Yes	Data meets the State's target in 3-5 and 6-21.	100%	20%
		Age 6-21	36.0%	45.00%	Yes		35%	30%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant disproportionate representation. No required action.	^	0.00
		Asian	< 2.0	0.26	Yes			0.42
		Black, African American	< 2.0	2.53*	Yes			0.42
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.42	Yes			0.72
		2 or more races	< 2.0	0.60	Yes			3.50*
		Hispanic	< 2.0	1.20	Yes			3.73*
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	<100%	No	Noncompliant (timely) for Special Education Personnel.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2011 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	0.00	0.00	0.00	0.00	0.00	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.00	0.00	0.00	3.16*	0.00	0.00	
		Black/African American	0.00	0.00	10.11*	0.00	0.00	0.00	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	4.26	3.86	0.09	1.45	0.00	0.74	
		2 or more races	8.14*	0.63	0.21	0.77	0.00	3.20*	
		Hispanic	0.00	2.27*	0.65	2.94*	0.00	8.63*	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2010 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.00	0.00	0.00	0.00	0.00	0.00	**NA**
		Asian	0.00	0.00	0.00	2.98*	0.00	0.00	
		Black/African American	0.00	0.00	1.46	0.00	0.00	0.00	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.38	0.30	0.58	0.42	0.00	0.13	
		2 or more races	14.26*	4.84	2.28*	3.04*	0.00	3.82*	
		Hispanic	0.00	2.14*	3.83*	3.11*	0.00	17.47*	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)	Met – 0%
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	Met – 66.14%	Met – 67.12%
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	Met – 14.04%	Met – 13.66%
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	Not Met – 7.12%	Not Met – 7.01%
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Robert M. Tomback
Superintendent
Harford County Public Schools
102 South Hickory Avenue
Bel Air, MD 21014-3731

Dear Dr. Tomback:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Harford County Public Schools (HCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the HCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the HCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for HCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the HCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Ann-Marie Spakowski
Branch/Section Chiefs

March 20, 2013
Harford County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators (Results Indicator / Compliance Indicator)				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	63.26%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	66.88%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	4.48%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	4.12%	4.48%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data meets the State's target. No required action.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target. No required action.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	64.75%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	61.79%	62.11%
			Reading	83.64%	71.58%	No		64.23%	69.47%
		4	Mathematics	85.57%	66.83%	No		68.22%	69.83%
			Reading	88.45%	74.33%	No		65.27%	76.06%
		5	Mathematics	82.38%	60.84%	No		56.82%	56.22%
			Reading	85.68%	74.81%	No		76.92%	73.50%
		6	Mathematics	79.36%	51.94%	No		51.13%	64.16%
			Reading	86.50%	60.68%	No		69.14%	56.99%
		7	Mathematics	78.49%	58.68%	No		45.08%	45.81%
			Reading	85.75%	55.62%	No		56.12%	62.33%
		8	Mathematics	77.91%	36.58%	No		27.55%	33.33%
			Reading	84.45%	60.43%	No		61.36%	58.97%
		HS	Mathematics	73.67%	57.60%	No		57.14%	53.96%
			Reading	79.50%	49.15%	No		47.52%	51.16%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	Local Results	Target Met	Action Required	Previous Results FFY 2009	 FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.02	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.23	Yes	Data meets the State's target. No required action	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	1.28	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.33	Yes			0.00
		2 or more races	< 2.0	0.88	Yes			0.00
		Hispanic	< 2.0	0.52	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	84.00%	Yes	Data meets the State's target. No required action.	81.78%	83.90%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	2.78%	Yes	Data meets the State's target. No required action.	4.40%	3.03%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	7.23%	No	Data does not meet the State's target. Improvement Plan required.	4.45%	6.67%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	44.63%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is 60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	22.78%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is 21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	52.10%	No	No	Data does not meet the State's target in category 7A1 and 7A2. Improvement Plan required.	43.4%	44.4%
		2. Exits within age expectations	60.00%	No	No		48.9%	57.8%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	40.00%	No	Data does not meet the State's target in category 7B1 and 7B2. Improvement Plan required.	41.7%	33.3%
		2. exits within age expectations	58.3%	46.67%	No		41.5%	42.1%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	42.15%	No	Data does not meet the State's target in category 7C1 and 7C2. Improvement Plan required.	32.2%	28.6%
		2. Exits within age expectations	65.2%	55.90%	No		48.9%	48.4%
8A	Parent Survey	Age 3-5	39.0%	49%	Yes	Data meets the State's target in 3-5 and 6-21.	44%	41%
		Age 6-21	36.0%	36%	Yes		37%	36%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.44	Yes	No significant disproportionate representation. No require ed action.	^	1.58
		Asian	< 2.0	0.51	Yes			0.47
		Black, African American	< 2.0	1.39	Yes			1.31
		Native Haw/Pacific Islander	< 2.0	0.87	Yes			0.75
		White	< 2.0	0.88	Yes			0.87
		2 or more races	< 2.0	1.03	Yes			1.04
		Hispanic	< 2.0	0.75	Yes			0.90
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	99.58%	No	Noncompliant. Correction verified by M&A staff; finding closed.	98.78%	99.37%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	98.39%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	100%	Yes	Compliant. Data verified by M&A staff. No required action.	89.0%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2011 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	1.28	1.11	2.66	2.04	1.60	1.37	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.40	0.19	0.36	0.94	1.79	0.31	
		Black/African American	2.40	1.50	1.69	1.28	0.70	1.34	
		Native Hawaiian/ Pacific Islander	0.00	1.15	0.00	0.70	0.00	1.13	
		White	0.44	0.85	0.77	0.81	1.28	0.99	
		2 or more races	0.56	1.09	0.98	1.14	1.13	0.97	
		Hispanic	1.11	0.82	0.68	0.84	0.66	0.70	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators

SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	**FFY 2010 results:** **Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification** **Disproportionate representation exists** **N size is < 30***	**American Indian/Alaska Native**	0.98	1.95	3.64*	1.57	0.66	1.10	**NA**
		Asian	0.25	0.17	0.19	0.99	1.67	0.23	
		Black/African American	2.60	1.42	1.41	1.01	0.79	1.36	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	1.59	2.02*	1.34	
		White	0.42	0.82	0.85	0.85	1.22	0.99	
		2 or more races	0.54	1.01	0.94	1.21	1.05	1.09	
		Hispanic	1.10	1.04	0.91	1.23	0.60	0.64	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	Not Met – 4.1% (1 of 24 LSS)	Met – 0%
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	Met – 66.14%	Met – 67.12%
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	Met – 14.04%	Met – 13.66%
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	Not Met – 7.12%	Not Met – 7.01%
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
   (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
   (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
   (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
   (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Renee A. Foose
Superintendent
Howard County Public Schools
10910 Route 108
Ellicott City, MD 21042

Dear Dr. Foose:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Howard County Public Schools (HCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the HCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the HCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for HCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the HCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Patricia Daley
Branch/Section Chiefs

March 20, 2013
Howard County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators (Results Indicator / Compliance Indicator)				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	58.08%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	70.59%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	4.40%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	2.71%	4.40%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not met	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target. No required action.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	71.11%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	67.01%	69.86%
			Reading	83.64%	78.07%	No		64.24%	71.28%
		4	Mathematics	85.57%	81.52%	No		71.03%	75.41%
			Reading	88.45%	86.96%	No		69.57%	75.08%
		5	Mathematics	82.38%	76.79%	No		63.72%	65.23%
			Reading	85.68%	84.39%	No		66.67%	73.54%
		6	Mathematics	79.36%	69.20%	No		65.31%	50.00%
			Reading	86.50%	74.26%	No		65.20%	65.15%
		7	Mathematics	78.49%	66.90%	No		54.21%	65.40%
			Reading	85.75%	62.68%	No		58.88%	70.09%
		8	Mathematics	77.91%	57.06%	No		49.83%	50.16%
			Reading	84.45%	70.28%	No		60.34%	66.67%
		HS	Mathematics	73.67%	63.60%	No		65.14%	68.73%
			Reading	79.50%	63.04%	No		60.17%	62.25%

^ Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	Local Results	Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	1.01	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		**< 2.0**	3.83*	Yes	Data meets the State's target. No required action.	^	0.00
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity**	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	**< 2.0**	0.00	Yes			0.00
		Black or African American	**< 2.0**	5.22*	Yes			0.00
		Native Haw/Pacific Islander	**< 2.0**	0.00	Yes			0.00
		White	**< 2.0**	1.51	Yes			0.00
		2 or more races	**< 2.0**	3.18*	Yes			0.00
	Discrepancy exists in the category	*Hispanic*	**< 2.0**	1.87	Yes			0.00
	N size is < 30*	**Policies/ procedures/ practices contribute to the discrepancy.**	**No**	NA	NA			NA
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	80.67%	Yes	Data meets the State's target. No required action.	76.25%	78.72%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	1.98%	Yes	Data meets the State's target. No required action.	5.52%	4.02%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	5.52%	Yes	Data meets the State's target. No required action.	5.47%	5.05%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	83.51%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	0.47%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 21.3%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	73.86%	Yes	Data meets the State's target in category 7A1.	79.6%	79.7%
		2. Exits within age expectations	**72.5%**	66.06%	No	Data does not meet the State target in category 7A2. Improvement Plan required.	70.5%	70.2%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted by OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators (Results Indicator / Compliance Indicator)			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	73.96%	Yes	Data meets the State's target in category 7B1.	89.7%	75.0%
		2. exits within age expectations	58.3%	57.80%	No	Data does not meet the State target in category 7B2. Improvement Plan required.	68.9%	59.5%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	65.12%	Yes	Data meets the State's target in category 7C1.	66.0%	70.3%
		2. Exits within age expectations	65.2%	64.22%	No	Data does not meet the State target in category 7C2. Improvement Plan required.	67.2%	61.9%
8A	Parent Survey	Age 3-5	39.0%	53%	Yes	Data meets the State's target in 3-5 and 6-21.	51%	51%
		Age 6-21	36.0%	38%	Yes		36%	39%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.82	Yes	No significant disproportionate representation. No required action.	^	0.62
		Asian	< 2.0	0.39	Yes			0.38
		Black, African American	< 2.0	1.38	Yes			1.42
		Native Haw/Pacific Islander	< 2.0	0.73	Yes			1.12
		White	< 2.0	0.84	Yes			0.83
		2 or more races	< 2.0	0.78	Yes			0.79
		Hispanic	< 2.0	1.03	Yes			0.99
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.10%	No	Noncompliant. Correction verified by M&A staff; finding closed.	99.85%	99.41%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	**Percentage of youth age 16 and above whose IEP meets secondary transition requirements**	**100%**	< 100%	No	Noncompliant. Data could not be verified by M&A staff. Finding remains open.	100%	100%
15	**Timely correction of noncompliance**	**100%**	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	**State reported data are timely and accurate**	**100%**	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	1.99	0.73	2.22	0.00	0.00	1.28	Disproportionate representation does not exist. No action required.
		Asian	0.49	0.15	0.11	0.51	0.81	0.20	
		Black/African American	1.63	1.53	1.60	1.49	1.08	1.49	
		Native Hawaiian/ Pacific Islander	0.00	1.31	0.00	1.69	0.00	0.00	
		White	0.69	0.77	0.83	0.72	1.06	0.86	
		2 or more races	0.77	0.67	1.27	0.73	0.87	0.66	
		Hispanic	1.02	1.16	0.69	1.18	0.82	0.94	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators

SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	1.66	0.94	1.62	0.00	0.00	0.55	NA
		Asian	0.52	0.14	0.10	0.45	0.85	0.24	
		Black/African American	1.84	1.59	1.71	1.62	1.04	1.33	
		Native Hawaiian/ Pacific Islander	0.00	2.00*	0.00	1.62	0.00	1.17	
		White	0.57	0.74	0.74	0.72	1.05	0.95	
		2 or more races	0.74	0.61	1.06	0.80	0.86	0.89	
		Hispanic	1.13	1.15	0.86	0.96	0.89	0.86	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. A. Barbara Wheeler
Superintendent
Kent County Public Schools
5608 Boundary Avenue
Rock Hall, MD 21661

Dear Dr. Wheeler:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Kent County Public Schools (KCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the KCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the KCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for KCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the KCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Laura Cochran
Branch/Section Chiefs

March 20, 2013
Kent County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	76.00%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	76.00%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	≤ 3.00%	Yes	Data meets the State target. No required action.	0.93%	<3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data meets the State's target.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	> 95%	Yes	Data meets the State's target. No required action.	> 95%	> 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	38.89%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	60.00%	60.00%
			Reading	83.64%	72.22%	No		72.00%	60.00%
		4	Mathematics	85.57%	70.59%	No		84.00%	55.56%
			Reading	88.45%	82.35%	No		80.00%	72.22%
		5	Mathematics	82.38%	68.18%	No		32.00%	65.00%
			Reading	85.68%	81.82%	No		80.00%	80.00%
		6	Mathematics	79.36%	73.33%	No		51.85%	48.70%
			Reading	86.50%	80.00%	No		44.44%	57.14%
		7	Mathematics	78.49%	15.00%	No		29.03%	20.00%
			Reading	85.75%	50.00%	No		51.61%	25.00%
		8	Mathematics	77.91%	33.33%	No		33.33%	30.43%
			Reading	84.45%	55.56%	No		45.83%	56.52%
		HS	Mathematics	73.67%	61.54%	No		61.11%	43.48%
			Reading	79.50%	46.15%	No		44.44%	44.00%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.02	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.38*	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	3.83*	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.74	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	0.00	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	78.63%	Yes	Data meets the State's target. No required action.	77.88%	79.45%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	11.69%	Yes	Data meets the State's target. No required action.	8.72%	8.90%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	2.42%	Yes	Data meets the State's target. No required action.	1.56%	2.05%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	100%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	0.00	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	100%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	No data	50.0%
		2. Exits within age expectations	72.5%	100%	Yes		No data	62.5%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	100%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	No data	12.5%
		2. exits within age expectations	58.3%	80%	Yes		No data	12.5%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	100%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	No data	25.0%
		2. Exits within age expectations	65.2%	100%	Yes		No data	62.5%
8A	Parent Survey	Age 3-5	39.0%	80%	Yes	Data meets the State target in 3-5.	100%	100%
		Age 6-21	36.0%	24%	No	Data does not meet the State target in 6-21.	29%	27%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	4.04*	Yes	No significant disproportionate representation. No required action.	^	0.00
		Asian	< 2.0	1.53	Yes			0.00
		Black, African American	< 2.0	1.88	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.68	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	0.39	Yes			0.00
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	0.00*	Yes	*No IEP request by 3rd birthday.	No data	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	5.06*	36.05*	0.00	0.00	0.00	Disproportionate representation does not exist. No action required.
		Asian	0.00	1.42	0.00	0.00	14.88*	0.00	
		Black/African American	11.07*	1.76	2.27*	2.72*	0.12	2.19*	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.21	0.68	0.68	0.87	0.82	0.87	
		2 or more races	0.00	0.00	0.00	0.00	0.00	0.00	
		Hispanic	0.00	0.56	0.00	0.00	0.54	0.46	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	12.40*	47.40*	0.00	0.00	0.00	NA
		Asian	0.00	0.00	0.00	0.00	0.00	0.00	
		Black/African American	2.11*	2.02	1.91	1.17	0.20	2.12*	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.15	0.72	0.68	0.27	0.00	1.07	
		2 or more races	0.00	0.00	0.00	0.00	0.00	0.00	
		Hispanic	0.62	0.58	0.00	0.65	1.01	0.00	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011			FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.			Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.			Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities			Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.			Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade	Mathematics	Reading	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
		3	85.65%	83.64%		
		4	85.57%	88.45%		
		5	82.38%	85.68%		
		6	79.36%	86.50%		
		7	78.49%	85.75%		
		8	77.91%	84.45%		
		10		79.50%		
		12	73.67%			
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.			Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	**Met – 68.9%**	**Met – 69.2%**
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	**Not Met – 67.5%**	**Not Met – 69.5%**
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	**Met – 69.5%**	**Met – 70.4%**
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	**Not Met – 55.2%**	**Met – 60.4%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	**Not Met – 29.36%**	**Not Met – 24.94%**
		73% enrolled in higher education or competitively employed	**Not Met – 50.17%**	**Not Met – 57.79%**
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	**Not Met – 62.73%**	**Met – 85.99%**
15	General Supervision	100% of noncompliance corrected within one year of identification	**Not Met – 97.51%**	**Not Met – 98.13%**
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	**Met – 100%**	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	**Met – 100%**	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	**Met – 64.2%**	**Met – 70.5%**
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	**Met – 77.6%**	**Met – 76.6%**
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	**Met – 100%**	**Met – 100%**

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Joshua P. Starr
Superintendent
Montgomery County Public Schools
850 Hungerford Drive
Rockville, MD 20850

Dear Dr. Starr:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Montgomery County Public Schools (MCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the MCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the MCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for MCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the MCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Gwendolyn Mason
Branch/Section Chiefs

March 20, 2013
Montgomery County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	62.53%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	69.88%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	3.57%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	2.95%	3.57%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not met	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Not met	No		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	67.13%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	64.96%	66.64%
			Reading	83.64%	74.30%	No		69.32%	72.11%
		4	Mathematics	85.57%	69.02%	No		68.53%	69.45%
			Reading	88.45%	76.52%	No		73.54%	77.81%
		5	Mathematics	82.38%	67.55%	No		63.08%	67.24%
			Reading	85.68%	79.26%	No		77.69%	78.96%
		6	Mathematics	79.36%	60.66%	No		51.50%	61.36%
			Reading	86.50%	69.60%	No		70.11%	72.23%
		7	Mathematics	78.49%	58.40%	No		54.77%	60.25%
			Reading	85.75%	69.47%	No		65.08%	70.28%
		8	Mathematics	77.91%	49.03%	No		45.32%	44.49%
			Reading	84.45%	67.78%	No		70.46%	71.89%
		HS	Mathematics	73.67%	62.32%	No		55.10%	60.97%
			Reading	79.50%	62.70%	No		54.78%	60.90%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	3.47	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	^	2.43
4A	**Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	3.56	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	^	2.70
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity**	*Amer Indian/Alaska Native*	**< 2.0**	15.27*	Yes	Significant discrepancy exists. A previous M&A review of policies, procedures and practices do not contribute to the significant discrepancy. No action required.	Δ	0.00
4B		*Asian*	**< 2.0**	1.58	Yes			0.00
4B		*Black or African American*	**< 2.0**	7.27	No			5.50
4B		*Native Haw/Pacific Islander*	**< 2.0**	0.00	Yes			0.00
4B		*White*	**< 2.0**	1.36	Yes			0.00
4B		*2 or more races*	**< 2.0**	1.57	Yes			0.00
4B	**Discrepancy exists in the category**	*Hispanic*	**< 2.0**	3.27	No			0.00
4B	**N size is < 30***	**Policies/ procedures/ practices contribute to the discrepancy.**	**No**	NA	NA			NA
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	67.58%	Yes	Data meets the State's target. No required action.	66.58%	68.19%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	12.15%	Yes	Data meets the State's target. No required action.	12.70%	11.91%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	6.07	Yes	Data meets the State's target. No required action.	5.69%	5.47%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	47.90%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	32.8%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 21.3%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	80.04%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	57.6%	67.1%
7A		**2. Exits within age expectations**	**72.5%**	77.16%	Yes		61.9%	65.6%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	85.74%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	62.1%	72.0%
		2. exits within age expectations	58.3%	72.70%	Yes		49.8%	53.6%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	76.32%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	54.0%	60.8%
		2. Exits within age expectations	65.2%	72.97%	Yes		57.8%	60.9%
8A	Parent Survey	Age 3-5	39.0%	47%	Yes	Data meets the State's target in 3-5 and 6-21.	42%	53%
		Age 6-21	36.0%	43%	Yes		35%	41%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.95	Yes	No significant disproportionate representation. No required action.	^	0.97
		Asian	< 2.0	0.44	Yes			0.43
		Black, African American	< 2.0	1.28	Yes			1.31
		Native Haw/Pacific Islander	< 2.0	0.44	Yes			0.56
		White	< 2.0	0.87	Yes			0.85
		2 or more races	< 2.0	0.75	Yes			0.77
		Hispanic	< 2.0	1.13	Yes			1.09
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	99.49%	No	Noncompliant. Correction could not be verified by M&A staff. Finding remains open.	96.04%	98.67%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	99.74%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.65	3.14*	0.25	1.05	1.59	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.62	0.24	0.20	0.72	0.76	0.26	
		Black/African American	1.95	1.53	2.02	1.06	0.84	1.13	
		Native Hawaiian/ Pacific Islander	0.00	0.61	0.00	1.39	0.00	0.00	
		White	0.54	0.64	0.75	0.84	1.55	1.20	
		2 or more races	0.66	0.69	0.55	0.81	0.86	0.83	
		Hispanic	1.10	1.57	0.55	1.49	0.48	0.72	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.96	0.57	0.81	0.71	1.20	1.92	NA
		Asian	0.62	0.25	0.17	0.73	0.76	0.27	
		Black/African American	1.91	1.60	2.19	1.13	0.80	1.12	
		Native Hawaiian/ Pacific Islander	0.00	0.31	0.00	2.51	0.00	0.00	
		White	0.57	0.63	0.70	0.79	1.59	1.19	
		2 or more races	0.72	0.67	0.58	0.85	0.96	0.85	
		Hispanic	0.97	1.48	0.52	1.43	0.45	0.70	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	**Not Met – 54.75%**	**Not Met – 56.57%**
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	**Not Met – 4.46%**	**Not Met – 5.41%**
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	**Not Met – 8% (2 of 24 LSS)**	**Not Met – 48% (12 of 25 LSS)** **-includes SEED School**
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	**Met – 99.1%**	**Met – 99.1%**
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	**Not Met – Indicator Targets were not met in any grade or subject area**	**Not Met – Indicator Targets (AMOs) were not met in any grade or subject area** **New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver**
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	**Not Met – 16% (4 of 24 LSS)**	**Not Met – 16% (4 of 24 LSS)**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	**Met – 68.9%**	**Met – 69.2%**
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	**Not Met – 67.5%**	**Not Met – 69.5%**
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	**Met – 69.5%**	**Met – 70.4%**
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	**Not Met – 55.2%**	**Met – 60.4%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	**Met – 63.9%**	**Met – 65.5%**
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	**Not Met – 63.6%**	**Met – 67.0%**
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		**Met – 49%**	**Met – 49%**
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		**Met – 40%**	**Met – 42%**
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		**Met – 0%**	**Met – 0%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Alvin L. Crawley
Interim Superintendent
Prince George's County Public Schools
14201 School Lane
Upper Marlboro, MD 20772

Dear Dr. Crawley:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Prince George's County Public Schools (PGCPS) has received the determination status of **"Needs Substantial Intervention, Year Two."**

To achieve the determination status of "Meets Requirements," the PGCPS is required to meet or exceed the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** not be significantly below the target on the Least Restrictive Environment (LRE) Indicators (5a, 5b, or 5c). In addition, the PGCPS must demonstrate 100% compliance for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** have no corrective actions or have corrected all previously identified findings of noncompliance within one year of identification (Indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides an analysis of the PGCPS' data. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local school system.

The PGCPS FFY 2010 determination status was also "Needs Substantial Intervention." Consistent with 34 CFR §§300.604, the MSDE may initiate enforcement actions to assist the PGCPS to change its determination status. The specific indicators most critical to receiving "Meets Requirements" status for the PGCPS are: Indicator 1 (Graduation), Indicator 2 (Drop Out), and Indicator 5 (Least Restrictive Environment), Indicator 4 (Suspension/ Expulsion), Indicator 11 (Initial Evaluation Timeline), Indicator 13 (Secondary Transition), Indicator 15 (General Supervision). Local school systems below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance required to address specific needs. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA. Attached is a *Technical Assistance Contact List* of Division personnel able to assist the PGCPS on each of the SPP Indicators.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

The MSDE is committed to supporting the efforts of the PGCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Joan Rothgeb
Branch/Section Chiefs

March 20, 2013
Prince George's County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators (Results Indicator / Compliance Indicator)				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	56.69%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	62.83%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	6.48%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	2.57%	6.48%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not Met	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Not Met	No		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	56.59%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	55.12%	52.76%
			Reading	83.64%	64.00%	No		56.68%	61.35%
		4	Mathematics	85.57%	55.57%	No		61.85%	59.27%
			Reading	88.45%	65.13%	No		61.29%	64.55%
		5	Mathematics	82.38%	55.95%	No		49.26%	52.00%
			Reading	85.68%	67.84%	No		61.09%	63.54%
		6	Mathematics	79.36%	54.46%	No		53.41%	54.50%
			Reading	86.50%	57.39%	No		62.20%	59.82%
		7	Mathematics	78.49%	39.81%	No		35.83%	42.52%
			Reading	85.75%	41.78%	No		39.33%	49.31%
		8	Mathematics	77.91%	27.98%	No		22.40%	22.45%
			Reading	84.45%	40.99%	No		40.61%	41.69%
		HS	Mathematics	73.67%	29.68%	No		27.66%	32.63%
			Reading	79.50%	39.30%	No		34.30%	35.64%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.95	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	3.40
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.78	Yes	Data meets the State's target. No required action.	^	2.08
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	*Amer Indian/Alaska Native*	< 2.0	1.80	Yes	Significant discrepancy exists. A previous M&A review of policies, procedures and practices do not contribute to the significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.59	Yes			0.00
		Black or African American	< 2.0	4.39	No			3.78
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.70	Yes			0.00
		2 or more races	< 2.0	2.21*	No			0.00
		Hispanic	< 2.0	0.84	Yes			0.00
	Discrepancy exists in the category N size is < 30*	Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	52.57%	No	Data does not meet the State target. Improvement Plan required.	49.08%	52.17%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	28.46%	No	Data does not meet the State target. Improvement Plan required.	28.53%	27.94%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	8.75%	No	Data does not meet the State target. Improvement Plan required.	10.34%	9.4%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	55.83%	No	Baseline year. Compare school system data to baseline. FFY 2012 target is 60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	33.60%	No	Baseline year. Compare school system data to baseline. FFY 2012 target is 21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	58.16%	No	Data does not meet the State target in category 7A1 and 7A2. Improvement Plan required.	65.7%	66.7%
		2. Exits within age expectations	72.5%	57.78%	No		58.0%	70.2%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	56.25%	No	Data does not meet the State target in category 7B1 and 7B2. Improvement Plan required.	65.2%	64.4%
		2. exits within age expectations	58.3%	42.74%	No		41.4%	41.3%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	50.65%	No	Data does not meet the State target in category 7C1 and 7C2. Improvement Plan required.	53.5%	61.4%
		2. Exits within age expectations	65.2%	52.51%	No		55.1%	54.0%
8A	Parent Survey	Age 3-5	39.0%	49%	Yes	Data meets the State's target in 3-5.	40%	46%
		Age 6-21	36.0%	35%	No	Data does not meet the State target in 6-21.	30%	33%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.04	Yes	No significant disproportionate representation. No required action.	^	1.10
		Asian	< 2.0	0.39	Yes			0.39
		Black, African American	< 2.0	0.91	Yes			0.86
		Native Haw/Pacific Islander	< 2.0	0.22	Yes			0.20
		White	< 2.0	1.45	Yes			1.53
		2 or more races	< 2.0	0.75	Yes			0.68
		Hispanic	< 2.0	0.70	Yes			0.67
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.10%	No	Noncompliant. Correction could not be verified by M&A staff. Finding remains open.	91.28%	95.70%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	99.0%	No	Noncompliant. Correction could not be verified by M&A staff. Finding remains open.	63.0%	79.0%
15	Timely correction of noncompliance	100%	< 100%	No	Noncompliant. Failure to correct noncompliance within one year on 2 findings: IEP team responsibilities/IEP development and Mod HSA testing. Finding remains open.	Non-compliant	Non-compliant
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	< 100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	1.25	1.17	1.56	0.25	0.92	0.90	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.42	0.27	0.11	0.87	0.72	0.16	
		Black/African American	1.31	1.06	1.23	0.72	0.52	0.33	
		Native Hawaiian/ Pacific Islander	0.0	0.10	0.0	0.49	0.0	0.25	
		White	1.18	1.13	1.57	1.44	2.66	1.73	
		2 or more races	0.44	0.73	0.53	1.32	0.68	0.75	
		Hispanic	0.47	1.06	0.15	0.77	0.28	0.50	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.90	1.18	1.40	0.63	0.88	0.98	NA
		Asian	0.53	0.30	0.07	0.64	0.74	0.15	
		Black/African American	1.29	1.04	1.22	0.62	0.44	0.76	
		Native Hawaiian/ Pacific Islander	0.00	0.26	0.00	0.00	0.00	0.35	
		White	1.16	1.16	1.51	1.70	3.00	2.01	
		2 or more races	0.43	0.57	0.53	1.19	0.70	0.78	
		Hispanic	0.46	1.03	0.20	0.80	0.24	0.42	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

<table>
<tr><th>Indicator</th><th>Description</th><th colspan="3">SPP Target for FFY 2011</th><th>FFY 2010
Met/Not Met</th><th>FFY 2011
Met/Not Met</th></tr>
<tr><td>1</td><td>Graduation Rates</td><td colspan="3">90% of youth with IEPs will graduate from high school with a diploma.</td><td>Not Met – 54.75%</td><td>Not Met – 56.57%</td></tr>
<tr><td>2</td><td>Drop-Out Rates</td><td colspan="3">The dropout rate of students with IEPs will be 3.27% or less.</td><td>Not Met – 4.46%</td><td>Not Met – 5.41%</td></tr>
<tr><td>3a</td><td>Student Achievement – AMO</td><td colspan="3">50% of the State's local school systems will meet AMO for the subgroup of students with disabilities</td><td>Not Met – 8%
(2 of 24 LSS)</td><td>Not Met – 48%
(12 of 25 LSS)

-includes SEED School</td></tr>
<tr><td>3b</td><td>Student Achievement – Participation</td><td colspan="3">95% of students with disabilities will participate in the Statewide assessment system.</td><td>Met – 99.1%</td><td>Met – 99.1%</td></tr>
<tr><td>3c</td><td>Student Achievement – Proficiency</td><td>Grade
3
4
5
6
7
8
10
12</td><td>Mathematics
85.65%
85.57%
82.38%
79.36%
78.49%
77.91%

73.67%</td><td>Reading
83.64%
88.45%
85.68%
86.50%
85.75%
84.45%
79.50%
</td><td>Not Met – Indicator Targets were not met in any grade or subject area</td><td>Not Met – Indicator Targets (AMOs) were not met in any grade or subject area

New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver</td></tr>
<tr><td>4a</td><td>Suspension and Expulsion</td><td colspan="3">No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.</td><td>Not Met – 16%
(4 of 24 LSS)</td><td>Not Met – 16%
(4 of 24 LSS)</td></tr>
</table>

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	**Met – 68.9%**	**Met – 69.2%**
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	**Not Met – 67.5%**	**Not Met – 69.5%**
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	**Met – 69.5%**	**Met – 70.4%**
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	**Not Met – 55.2%**	**Met – 60.4%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	**Met – 63.9%**	**Met – 65.5%**
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	**Not Met – 63.6%**	**Met – 67.0%**
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		**Met – 49%**	**Met – 49%**
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		**Met – 40%**	**Met – 42%**
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		**Met – 0%**	**Met – 0%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Carol A. Williamson
Superintendent
Queen Anne's County Public Schools
202 Chesterfield Avenue
Centreville, MD 21617

Dear Dr. Williamson:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Queen Anne's County Public Schools (QACPS) has achieved the determination status of **"Meets Requirements."**

To achieve the determination status of "Meets Requirements," the QACPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the QACPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for QACPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the QACPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Diane McGowan
Branch/Section Chiefs

March 20, 2013
Queen Anne's County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators (Results Indicator / Compliance Indicator)				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	74.55%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	79.63%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	3.95%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	2.47%	3.95%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data meets the State's target.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	84.62%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	67.69%	58.90%
			Reading	83.64%	79.49%	No		78.46%	75.34%
		4	Mathematics	85.57%	80.95%	No		84.62%	74.36%
			Reading	88.45%	84.52%	No		80.77%	82.05%
		5	Mathematics	82.38%	68.67%	No		66.27%	68.29%
			Reading	85.68%	76.19%	No		79.52%	86.59%
		6	Mathematics	79.36%	71.95%	No		60.00%	67.11%
			Reading	86.50%	73.49%	No		77.65%	72.37%
		7	Mathematics	78.49%	65.38%	No		60.94%	53.85%
			Reading	85.75%	71.79%	No		73.44%	74.68%
		8	Mathematics	77.91%	48.65%	No		41.98%	46.38%
			Reading	84.45%	75.68%	No		60.98%	75.36%
		HS	Mathematics	73.67%	62.0%	No		51.61%	55.22%
			Reading	79.50%	64.0%	No		34.43%	59.09%

^ Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.17	Yes	Data meets the State's target. No required action.	^	0.00
4A	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	0.00	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	1.45	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	0.00	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	91.84%	Yes	Data meets the State's target.	92.19%	91.34%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	3.63%	Yes	Data meets the State's target. No required action.	4.09%	4.03%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	1.36%	Yes	Data meets the State's target. No required action.	0.84%	1.54%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	52.38%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	27.38%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	76.0%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	87.5%	100%
		2. Exits within age expectations	72.5%	84.78%	Yes		71.4%	81.6%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	72.41%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	76.7%	81.5%
		2. exits within age expectations	58.3%	76.09%	Yes		65.7%	73.7%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	78.26%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	81.0%	68.4%
		2. Exits within age expectations	65.2%	89.13%	Yes		71.4%	76.3%
8A	Parent Survey	Age 3-5	39.0%	63.0%	Yes	Data meets the State's target in 3-5 and 6-21.	43%	58%
		Age 6-21	36.0%	45.0%	Yes		47%	41%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.36	Yes	No significant disproportionate representation. No required action.	^	1.44
		Asian	< 2.0	0.56	Yes			0.36
		Black, African American	< 2.0	1.85	Yes			2.07
		Native Haw/Pacific Islander	< 2.0	2.18*	Yes			1.73
		White	< 2.0	0.67	Yes			0.70
		2 or more races	< 2.0	0.72	Yes			0.69
		Hispanic	< 2.0	0.73	Yes			0.47
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.94%	No	Noncompliant. Correction verified by M&A staff; finding closed.	100%	95.08%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	1.51	0.00	0.00	4.56*	1.75	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.00	0.66	0.00	0.00	1.22	0.45	
		Black/African American	1.97	2.02	2.43*	1.99	0.82	2.15*	
		Native Hawaiian/ Pacific Islander	0.00	4.03*	0.00	0.00	0.00	0.00	
		White	0.61	0.66	0.43	0.59	1.12	0.60	
		2 or more races	1.19	0.52	0.77	0.81	1.06	0.81	
		Hispanic	1.00	0.57	1.38	1.18	0.88	0.67	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	1.52	0.00	0.00	5.09*	2.15*	NA
		Asian	0.00	0.38	0.00	0.78	0.00	0.54	
		Black/African American	2.29*	2.33	2.99*	1.35	0.99	2.39*	
		Native Hawaiian/ Pacific Islander	0.00	3,04*	0.00	0.00	0.00	0.00	
		White	0.11	0.67	0.47	0.88	0.00	0.67	
		2 or more races	0.00	0.35	1.45	1.31	1.45	0.60	
		Hispanic	1.09	0.38	0.48	0.59	1.03	0.20	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	**Not Met – 54.75%**	**Not Met – 56.57%**
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	**Not Met – 4.46%**	**Not Met – 5.41%**
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	**Not Met – 8% (2 of 24 LSS)**	**Not Met – 48% (12 of 25 LSS)** **-includes SEED School**
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	**Met – 99.1%**	**Met – 99.1%**
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	**Not Met – Indicator Targets were not met in any grade or subject area**	**Not Met – Indicator Targets (AMOs) were not met in any grade or subject area** **New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver**
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	**Not Met – 16% (4 of 24 LSS)**	**Not Met – 16% (4 of 24 LSS)**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	**Met – 68.9%**	**Met – 69.2%**
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	**Not Met – 67.5%**	**Not Met – 69.5%**
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	**Met – 69.5%**	**Met – 70.4%**
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	**Not Met – 55.2%**	**Met – 60.4%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	**Not Met – 29.36%**	**Not Met – 24.94%**
		73% enrolled in higher education or competitively employed	**Not Met – 50.17%**	**Not Met – 57.79%**
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	**Not Met – 62.73%**	**Met – 85.99%**
15	General Supervision	100% of noncompliance corrected within one year of identification	**Not Met – 97.51%**	**Not Met – 98.13%**
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	**Met – 100%**	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	**Met – 100%**	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	**Met – 64.2%**	**Met – 70.5%**
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	**Met – 77.6%**	**Met – 76.6%**
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	**Met – 100%**	**Met – 100%**

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Michael J. Martirano
Superintendent
St. Mary's County Public Schools
P.O. Box 641
Leonardtown, MD 20650

Dear Dr. Martirano:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the St. Mary's County Public Schools (SMCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the SMCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the SMCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for SMCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the SMCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Melissa Charbonnet
Branch/Section Chiefs

March 20, 2013
St. Mary's County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	46.94%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	55.91%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	7.24%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	3.94%	<3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Not Met	No		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	> 95%	Yes	Data meets the State's target. No required action.	> 95%	> 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	76.76%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	69.17%	65.91%
			Reading	83.64%	79.02%	No		69.17%	67.42%
		4	Mathematics	85.57%	61.19%	No		70.70%	69.23%
			Reading	88.45%	73.88%	No		70.95%	72.31%
		5	Mathematics	82.38%	66.92%	No		60.38%	57.45%
			Reading	85.68%	76.92%	No		76.25%	66.67%
		6	Mathematics	79.36%	50.89%	No		61.22%	62.16%
			Reading	86.50%	53.57%	No		59.86%	48.65%
		7	Mathematics	78.49%	45.26%	No		58.27%	62.14%
			Reading	85.75%	43.80%	No		62.20%	62.14%
		8	Mathematics	77.91%	55.04%	No		54.26%	50.79%
			Reading	84.45%	56.59%	No		59.23%	60.32%
		HS	Mathematics	73.67%	59.09%	No		44.83%	67.74%
			Reading	79.50%	50.00%	No		60.00%	60.00%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.08	Yes	Data meets the State's target. No required action.	^	0.00
4A	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	0.00	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.13	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	0.00	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	77.95%	Yes	Data meets the State's target. No required action.	77.94%	77.08%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	9.92%	Yes	Data meets the State's target. No required action.	9.41%	10.87%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	1.96%	Yes	Data meets the State's target. No required action.	1.56%	1.74%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	69.19%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	9.95%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	76.62%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	82.7%	77.4%
		2. Exits within age expectations	72.5%	80.62%	Yes		80.0%	81.9%

^Data calculation change; data not comparable to FFY 2011 data. Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	83.51%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	77.25%	84.7%
		2. exits within age expectations	58.3%	79.07%	Yes		64.8%	68.9%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	81.33%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	81.3%	84.9%
		2. Exits within age expectations	65.2%	83.72%	Yes		75.2%	83.6%
8A	Parent Survey	Age 3-5	39.0%	36%	No	Data does not meet the State's target for parents of children, age 3-5 years.	33%	20%
		Age 6-21	36.0%	37%	Yes		36%	44%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.54	Yes	No significant disproportionate representation. No required action.	^	1.38
		Asian	< 2.0	0.32	Yes			0.39
		Black, African American	< 2.0	1.80	Yes			1.70
		Native Haw/Pacific Islander	< 2.0	1.03	Yes			1.64
		White	< 2.0	0.73	Yes			0.75
		2 or more races	< 2.0	0.89	Yes			0.83
		Hispanic	< 2.0	0.74	Yes			0.73
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	97.76%	No	Noncompliant. Correction verified by M&A staff; finding closed.	97.22%	97.89%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	2.51*	2.08*	0.82	0.00	1.47	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.00	0.22	0.00	0.51	0.82	0.23	
		Black/African American	3.75	2.26	2.39	1.03	1.22	1.60	
		Native Hawaiian/ Pacific Islander	0.00	0.88	0.00	2.01*	0.00	1.81	
		White	0.36	0.66	0.74	0.78	0.94	0.77	
		2 or more races	0.32	0.58	0.56	1.74	1.20	1.12	
		Hispanic	0.82	0.53	0.33	1.51	0.73	0.82	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	2.05*	2.03*	1.40	0.00	0.76	NA
		Asian	0.00	0.36	0.00	0.21	1.32	0.24	
		Black/African American	3.21	2.14	2.24	1.23	1.06	1.17	
		Native Hawaiian/ Pacific Islander	0.00	1.28	0.00	3.06*	0.00	3.35*	
		White	0.39	0.69	0.84	0.74	0.84	1.01	
		2 or more races	0.45	0.49	0.42	1.68	1.03	1.15	
		Hispanic	0.94	0.46	0.21	1.38	1.08	0.93	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	**Not Met – 54.75%**	**Not Met – 56.57%**
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	**Not Met – 4.46%**	**Not Met – 5.41%**
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	**Not Met – 8% (2 of 24 LSS)**	**Not Met – 48% (12 of 25 LSS)** **-includes SEED School**
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	**Met – 99.1%**	**Met – 99.1%**
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	**Not Met – Indicator Targets were not met in any grade or subject area**	**Not Met – Indicator Targets (AMOs) were not met in any grade or subject area** **New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver**
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	**Not Met – 16% (4 of 24 LSS)**	**Not Met – 16% (4 of 24 LSS)**

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	**Met – 68.9%**	**Met – 69.2%**
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	**Not Met – 67.5%**	**Not Met – 69.5%**
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	**Met – 69.5%**	**Met – 70.4%**
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	**Not Met – 55.2%**	**Met – 60.4%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	**Met – 63.9%**	**Met – 65.5%**
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	**Not Met – 63.6%**	**Met – 67.0%**
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		**Met – 49%**	**Met – 49%**
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		**Met – 40%**	**Met – 42%**
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		**Met – 0%**	**Met – 0%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Marjorie B. Miles
Superintendent
Somerset County Public Schools
7982-A Tawes Campus Drive
Westover, MD 21871

Dear Dr. Miles:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Somerset County Public Schools (SCPS) has received the determination status of **"Needs Assistance."**

To achieve the determination status of "Meets Requirements," the SCPS is required to meet or exceed the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** not be significantly below the target on the Least Restrictive Environment (LRE) Indicators (5a, 5b, or 5c). In addition, the SCPS must demonstrate 100% compliance for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** have no corrective actions or have corrected all previously identified findings of noncompliance within one year of identification (Indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides an analysis of the SCPS' data. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local school system.

The specific indicators most critical to receiving "Meets Requirements" status for the SCPS are: Indicator 1 (Graduation), Indicator 2 (Dropout), Indicator 4 (Suspension/Expulsion), Indicator 13 (Secondary Transition), Indicator 15 (General Supervision), and Indicator 20 (Timely and Accurate State Reported Data). Local school systems below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance required to address specific needs. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA. Attached is a *Technical Assistance Contact List* of Division personnel able to assist the SCPS on each of the SPP Indicators.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

The MSDE is committed to supporting the efforts of the SCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Lynette Johnson
Branch/Section Chiefs

March 20, 2013
Somerset County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	65.52%	No	Data does not meet the State's target for the 4 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	68.97	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	4.86%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	4.72%	4.86%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data meets the State's target. No required action.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≤ 95%	No	Not met for grade 8 math and science.	≤ 95%	≤ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	70.00%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	61.54%	73.33%
			Reading	83.64%	80.65%	No		71.79%	80.00%
		4	Mathematics	85.57%	75.00%	No		74.19%	75.56%
			Reading	88.45%	81.25%	No		64.52%	82.22%
		5	Mathematics	82.38%	82.98%	Yes		67.44%	78.79%
			Reading	85.68%	80.85%	No		83.72%	78.79%
		6	Mathematics	79.36%	72.41%	Yes		80.00%	92.50%
			Reading	86.50%	70.00%	No		90.00%	90.00%
		7	Mathematics	78.49%	71.05%	No		58.33%	78.14%
			Reading	85.75%	81.58%	No		75.00%	87.50%
		8	Mathematics	77.91%	39.29%	No		12.20%	38.46%
			Reading	84.45%	65.52%	No		43.90%	70.37%
		HS	Mathematics	73.67%	29.17%	No		28.00%	43.48%
			Reading	79.50%	37.50%	No		45.00%	54.55%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	3.35*	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	4.61*	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	1.92	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	11.78*	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	83.85%	Yes	Data meets the State's target. No required action.	85.71%	85.11%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	11.28%	Yes	Data meets the State's target. No required action.	9.89%	10.11%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	2.05%	Yes	Data meets the State's target. No required action.	1.65%	2.13%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	51.16%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	6.98%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	83.33%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	75.0%	94.1%
		2. Exits within age expectations	72.5%	75%	Yes		80.0%	83.3%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	100%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	80.0%	77.8%
		2. exits within age expectations	58.3%	75%.	Yes		80.0%	44.4%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	50%	No	Data does not meet the State's target in category 7C1. Improvement Plan required. Data meets the State's target in category 7C2. No required action.	100%	88.2%
		2. Exits within age expectations	65.2%	75.00	Yes		100%	83.3%
8A	Parent Survey	Age 3-5	39.0%	60%	Yes	Data meets the State's target in 3-5 and 6-21.	100%	0.0%
		Age 6-21	36.0%	61%	Yes		32%	51%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant disproportionate representation. No required action.	^	0.00
		Asian	< 2.0	0.34	Yes			0.32
		Black, African American	< 2.0	1.36	Yes			1.56
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	1.13	Yes			0.99
		2 or more races	< 2.0	0.84	Yes			0.64
		Hispanic	< 2.0	0.45	Yes			0.45
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	98.63%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.0	0.0	0.0	0.0	0.0	0.0	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.0	0.0	0.0	2.55*	0.0	0.0	
		Black/African American	2.20*	2.25	0.84	0.61	0.94	1.36	
		Native Hawaiian/ Pacific Islander	0.0	0.0	0.0	0.0	0.0	0.0	
		White	0.50	0.79	2.80*	1.43	1.73	1.18	
		2 or more races	0.67	1.13	0.0	0.32	0.0	1.06	
		Hispanic	1.35	0.22	0.0	0.60	0.74	0.48	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	NA
		Asian	0.00	0.00	0.00	2.72*	0.00	0.00	
		Black/African American	2.07*	2.42	0.67	0.79	0.92	1.39	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.57	0.80	0.25	1.24	0.00	1.02	
		2 or more races	0.00	0.73	0.00	0.39	0.00	1.35	
		Hispanic	1.45	0.11	1.23	0.37	0.93	0.63	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	**Met – 68.9%**	**Met – 69.2%**
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	**Not Met – 67.5%**	**Not Met – 69.5%**
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	**Met – 69.5%**	**Met – 70.4%**
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	**Not Met – 55.2%**	**Met – 60.4%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	**Met – 63.9%**	**Met – 65.5%**
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	**Not Met – 63.6%**	**Met – 67.0%**
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		**Met – 49%**	**Met – 49%**
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		**Met – 40%**	**Met – 42%**
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		**Met – 0%**	**Met – 0%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Karen Salmon
Superintendent
Talbot County Public Schools
P.O. Box 1029
Easton, MD 21601

Dear Dr. Salmon:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Talbot County Public Schools (TCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the TCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the TCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for TCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the TCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Kristin Mentges
Branch/Section Chiefs

March 20, 2013
Talbot County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	59.26%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	61.54%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	7.75%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	2.36%	7.75%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data meets the State's target. No required action.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target. No required action.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	57.17%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	55.56%	50.00%
			Reading	83.64%	82.61%	No		44.44%	52.94%
		4	Mathematics	85.57%	67.86%	No		62.50%	55.00%
			Reading	88.45%	78.57%	No		58.33%	60.00%
		5	Mathematics	82.38%	33.33%	No		64.71%	59.09%
			Reading	85.68%	66.67%	No		82.35%	77.27%
		6	Mathematics	79.36%	58.33%	No		20.69%	44.44%
			Reading	86.50%	62.50%	No		50.00%	55.56%
		7	Mathematics	78.49%	50.00%	No		46.67%	48.15%
			Reading	85.75%	40.00%	No		53.33%	55.56%
		8	Mathematics	77.91%	36.36%	No		29.09%	72.22%
			Reading	84.45%	51.52%	No		29.17%	61.11%
		HS	Mathematics	73.67%	50.00%	No		61.54%	47.62%
			Reading	79.50%	50.00%	No		56.00%	47.62%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.76	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	5.50*	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	5.09*	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.62	Yes			0.00
		2 or more races	< 2.0	15.45*	Yes			0.00
		Hispanic	< 2.0	0.00	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	73.77%	Yes	Data meets the State's target. No required action.	74.75%	76.45%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	5.56%	Yes	Data meets the State's target. No required action.	5.26%	6.12%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	0.62%	Yes	Data meets the State's target. No required action.	1.32%	0.92%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	87.50%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥ 60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	0.0%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤ 21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	63.16%	NO	Data does not meet the State's target in categories 7A1 and 7A2. Improvement Plan required.	50.0%	71.4%
		2. Exits within age expectations	72.5%	60.0%	No		63.6%	50.0%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	72.73%	Yes	Data meets the State's targets in categories 7B1 and 7B2. No required action.	70.0%	61.5%
		2. exits within age expectations	58.3%	60.0%	Yes		72.7%	42.3%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	76.19%	Yes	Data meets the State's targets in categories 7C1 and 7C2. No required action.	57.1%	60.0%
		2. Exits within age expectations	65.2%	68.0%	Yes		72.7%	50.0%
8A	Parent Survey	Age 3-5	39.0%	44%	Yes	Data meets the State's targets in 3-5 and 6-21.	33%	63%
		Age 6-21	36.0%	65%	Yes		60%	60%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant disproportionate representation. No required action.	^	0.00
		Asian	< 2.0	0.48	Yes			0.30
		Black, African American	< 2.0	1.51	Yes			1.36
		Native Haw/Pacific Islander	< 2.0	1.94	Yes			1.56
		White	< 2.0	0.88	Yes			0.64
		2 or more races	< 2.0	0.84	Yes			0.79
		Hispanic	< 2.0	0.66	Yes			1.83
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	98.94%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	1.22	0.46	0.00	0.66	0.00	0.00	
		Black/African American	1.66	1.94	2.41*	0.84	1.15	0.72	
		Native Hawaiian/ Pacific Islander	0.00	5.61*	0.00	0.00	0.00	0.00	
		White	0.59	0.74	0.98	1.21	1.57	1.49	
		2 or more races	1.38	1.08	0.00	0.37	0.00	1.12	
		Hispanic	0.73	0.37	0.00	1.32	0.53	1.27	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	NA
		Asian	1.14	0.00	0.00	0.58	0.00	0.00	
		Black/African American	1.55	1.81	1.65	1.03	0.56	0.90	
		Native Hawaiian/ Pacific Islander	0.00	4.53*	0.00	0.00	0.00	0.00	
		White	0.14	0.60	0.13	1.00	0.00	0.92	
		2 or more races	0.00	1.03	0.00	1.70	0.00	0.00	
		Hispanic	4.67*	1.28	1.31	0.93	1.70	2.61*	
		Disproportionate representation is due to inappropriate identification							

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Karen Salmon
Superintendent
Talbot County Public Schools
P.O. Box 1029
Easton, MD 21601

Dear Dr. Salmon:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Talbot County Public Schools (TCPS) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the TCPS has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the TCPS demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for TCPS. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the TCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Kristin Mentges
Branch/Section Chiefs

March 20, 2013
Talbot County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	59.26%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	61.54%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	7.75%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	2.36%	7.75%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Met	Yes	Data meets the State's target. No required action.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target. No required action.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	57.17%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	55.56%	50.00%
			Reading	83.64%	82.61%	No		44.44%	52.94%
		4	Mathematics	85.57%	67.86%	No		62.50%	55.00%
			Reading	88.45%	78.57%	No		58.33%	60.00%
		5	Mathematics	82.38%	33.33%	No		64.71%	59.09%
			Reading	85.68%	66.67%	No		82.35%	77.27%
		6	Mathematics	79.36%	58.33%	No		20.69%	44.44%
			Reading	86.50%	62.50%	No		50.00%	55.56%
		7	Mathematics	78.49%	50.00%	No		46.67%	48.15%
			Reading	85.75%	40.00%	No		53.33%	55.56%
		8	Mathematics	77.91%	36.36%	No		29.09%	72.22%
			Reading	84.45%	51.52%	No		29.17%	61.11%
		HS	Mathematics	73.67%	50.00%	No		61.54%	47.62%
			Reading	79.50%	50.00%	No		56.00%	47.62%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.76	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	5.50*	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	5.09*	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.62	Yes			0.00
		2 or more races	< 2.0	15.45*	Yes			0.00
		Hispanic	< 2.0	0.00	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	73.77%	Yes	Data meets the State's target. No required action.	74.75%	76.45%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	5.56%	Yes	Data meets the State's target. No required action.	5.26%	6.12%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	0.62%	Yes	Data meets the State's target. No required action.	1.32%	0.92%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	87.50%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥ 60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	0.0%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤ 21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	63.16%	NO	Data does not meet the State's target in categories 7A1 and 7A2. Improvement Plan required.	50.0%	71.4%
		2. Exits within age expectations	72.5%	60.0%	No		63.6%	50.0%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	72.73%	Yes	Data meets the State's targets in categories 7B1 and 7B2. No required action.	70.0%	61.5%
		2. exits within age expectations	58.3%	60.0%	Yes		72.7%	42.3%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	76.19%	Yes	Data meets the State's targets in categories 7C1 and 7C2. No required action.	57.1%	60.0%
		2. Exits within age expectations	65.2%	68.0%	Yes		72.7%	50.0%
8A	Parent Survey	Age 3-5	39.0%	44%	Yes	Data meets the State's targets in 3-5 and 6-21.	33%	63%
		Age 6-21	36.0%	65%	Yes		60%	60%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant disproportionate representation. No required action.	^	0.00
		Asian	< 2.0	0.48	Yes			0.30
		Black, African American	< 2.0	1.51	Yes			1.36
		Native Haw/Pacific Islander	< 2.0	1.94	Yes			1.56
		White	< 2.0	0.88	Yes			0.64
		2 or more races	< 2.0	0.84	Yes			0.79
		Hispanic	< 2.0	0.66	Yes			1.83
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	98.94%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	1.22	0.46	0.00	0.66	0.00	0.00	
		Black/African American	1.66	1.94	2.41*	0.84	1.15	0.72	
		Native Hawaiian/ Pacific Islander	0.00	5.61*	0.00	0.00	0.00	0.00	
		White	0.59	0.74	0.98	1.21	1.57	1.49	
		2 or more races	1.38	1.08	0.00	0.37	0.00	1.12	
		Hispanic	0.73	0.37	0.00	1.32	0.53	1.27	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	NA
		Asian	1.14	0.00	0.00	0.58	0.00	0.00	
		Black/African American	1.55	1.81	1.65	1.03	0.56	0.90	
		Native Hawaiian/ Pacific Islander	0.00	4.53*	0.00	0.00	0.00	0.00	
		White	0.14	0.60	0.13	1.00	0.00	0.92	
		2 or more races	0.00	1.03	0.00	1.70	0.00	0.00	
		Hispanic	4.67*	1.28	1.31	0.93	1.70	2.61*	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	**Not Met – 54.75%**	**Not Met – 56.57%**
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	**Not Met – 4.46%**	**Not Met – 5.41%**
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	**Not Met – 8% (2 of 24 LSS)**	**Not Met – 48% (12 of 25 LSS)** **-includes SEED School**
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	**Met – 99.1%**	**Met – 99.1%**
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%; Reading 83.64% Grade 4: Mathematics 85.57%; Reading 88.45% Grade 5: Mathematics 82.38%; Reading 85.68% Grade 6: Mathematics 79.36%; Reading 86.50% Grade 7: Mathematics 78.49%; Reading 85.75% Grade 8: Mathematics 77.91%; Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	**Not Met – Indicator Targets were not met in any grade or subject area**	**Not Met – Indicator Targets (AMOs) were not met in any grade or subject area** **New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver**
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	**Not Met – 16% (4 of 24 LSS)**	**Not Met – 16% (4 of 24 LSS)**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Clayton M. Wilcox
Superintendent
Washington County Board of Education
P.O. Box 730
Hagerstown, MD 21741

Dear Dr. Wilcox:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Washington County Board of Education (WCBOE) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the WCBOE has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the WCBOE demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for WCBOE. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the WCBOE to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Jeff Gladhill
Branch/Section Chiefs

March 20, 2013
Washington County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	60.0%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	63.03%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	4.26%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	4.54%	4.26%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not met	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	54.66%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	58.68%	50.92%
			Reading	83.64%	58.39%	No		62.28%	58.28%
		4	Mathematics	85.57%	56.90%	No		79.31%	62.43%
			Reading	88.45%	67.82%	No		71.92%	66.28%
		5	Mathematics	82.38%	56.07%	No		61.93%	53.68%
			Reading	85.68%	65.14%	No		78.74%	73.68%
		6	Mathematics	79.36%	67.58%	No		65.00%	65.73%
			Reading	86.50%	65.38%	No		63.01%	68.54%
		7	Mathematics	78.49%	60.12%	No		61.27%	54.00%
			Reading	85.75%	55.42%	No		61.85%	64.68%
		8	Mathematics	77.91%	49.21%	No		47.34%	50.00%
			Reading	84.45%	48.96%	No		56.68%	62.42%
		HS	Mathematics	73.67%	68.75%	No		64.20%	71.35%
			Reading	79.50%	60.69%	No		52.98%	58.62%

^ Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	**Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	2.09*	Yes	Data meets the State's target. No required action.	^	0.00
4A	**Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30***		**< 2.0**	0.00	Yes	Data meets the State's target. No required action.	^	0.00
4B	**Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity**	*Amer Indian/Alaska Native*	**< 2.0**	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
4B		*Asian*	**< 2.0**	0.00	Yes			0.00
4B		*Black or African American*	**< 2.0**	4.88*	Yes			0.00
4B		*Native Haw/Pacific Islander*	**< 2.0**	0.00	Yes			0.00
4B		*White*	**< 2.0**	1.76	Yes			0.00
4B		*2 or more races*	**< 2.0**	0.00	Yes			0.00
4B		*Hispanic*	**< 2.0**	0.00	Yes			0.00
4B	**Discrepancy exists in the category N size is < 30***	**Policies/ procedures/ practices contribute to the discrepancy.**	**No**	NA	NA			NA
5A	**Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)**		**≥ 62.61%**	81.93%	Yes	Data meets the State's target. No required action.	80.74%	81.03%
5B	**Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)**		**≤ 15.36%**	8.73%	Yes	Data meets the State's target. No required action.	8.48%	9.08%
5C	**Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities**		**≤ 6.32%**	4.52%	Yes	Data meets the State's target. No required action.	5.67%	4.11%
6A	**Aged 3-5 LRE: Regular Early Childhood setting the majority of the day**		**59.7%**	74.43%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 60.2%.	Δ	Δ
6B	**Aged 3-5 LRE: Separate School or Class**		**21.8%**	0.91%	NA	Baseline year. Compare school system data to baseline. FFY 2012 target is 21.3%.	Δ	Δ
7A	**Age 3-5 Outcomes: Use of social – emotional skills**	**1. Exits with substantial growth**	**67.3%**	No data submitted	No	Data not submitted. Improvement plan to address the timely submission of data.	66.7%	61.7%
7A		**2. Exits within age expectations**	**72.5%**	No data submitted	No		33.3%	68.1%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	No data submitted	No	Data not submitted. Improvement plan to address the timely submission of data.	66.7%	46.5%
		2. exits within age expectations	58.3%	No data submitted	No		0.00%	43.1%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	No data submitted	No	Data not submitted. Improvement plan to address the timely submission of data.	67.7%	46.2%
		2. Exits within age expectations	65.2%	No data submitted	No		33.3%	52.8%
8A	Parent Survey	Age 3-5	39.0%	20.00%	No	Data not submitted. Improvement plan to address the timely submission of data.	40%	30%
		Age 6-21	36.0%	38.00%	Yes		39%	34%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	.99	Yes	No significant disproportionate representation. No required action.	^	1.32
		Asian	< 2.0	.48	Yes			0.53
		Black, African American	< 2.0	1.50	Yes			1.47
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.78	Yes			0.84
		2 or more races	< 2.0	0.66	Yes			0.75
		Hispanic	< 2.0	0.78	Yes			0.79
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	2.58*	0.69	0.00	0.00	0.00	1.29	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	0.27	0.60	0.00	0.21	1.75	0.14	
		Black/African American	1.39	1.75	2.61*	0.94	1.01	1.35	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.77	0.77	0.75	1.20	0.87	1.03	
		2 or more races	0.49	0.59	0.51	0.78	0.67	0.87	
		Hispanic	1.37	0.63	0.21	1.20	1.03	0.72	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	2.42*	1.22	0.00	0.00	0.00	1.19	NA
		Asian	0.26	0.53	0.21	0.53	1.38	0.13	
		Black/African American	1.81	1.64	1.91	0.95	1.04	1.49	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.67	0.78	0.80	1.13	0.89	0.92	
		2 or more races	0.41	0.78	0.66	0.84	1.05	0.83	
		Hispanic	1.04	0.68	0.52	1.12	0.97	0.75	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011			FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.			Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.			Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities			Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.			Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade	Mathematics	Reading	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
		3	85.65%	83.64%		
		4	85.57%	88.45%		
		5	82.38%	85.68%		
		6	79.36%	86.50%		
		7	78.49%	85.75%		
		8	77.91%	84.45%		
		10		79.50%		
		12	73.67%			
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.			Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. John Fredericksen
Superintendent
Wicomico County Board of Education
P.O. Box 1538
Salisbury, MD 21802-1538

Dear Dr. Fredericksen:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Wicomico County Board of Education (WCBOE) has achieved the determination status of "**Meets Requirements.**"

To achieve the determination status of "Meets Requirements," the WCBOE has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the WCBOE demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for WCBOE. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the WCBOE to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Bonnie L. Walston
Branch/Section Chiefs

March 20, 2013
Wicomico County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

0.00FFY 2011 (SFY 2012) Part B Compliance Indicators										
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	62.20%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	67.07%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	4.31%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	3.86%	4.31%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not Met	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Met	Yes		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target. No required action.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	68.05%	No	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	56.05%	74.19%
			Reading	83.64%	69.64%	No		59.24%	72.90%
		4	Mathematics	85.57%	77.99%	No		71.62%	73.94%
			Reading	88.45%	73.89%	No		64.19%	68.48%
		5	Mathematics	82.38%	58.27%	No		45.86%	53.91%
			Reading	85.68%	75.54%	No		63.69%	71.09%
		6	Mathematics	79.36%	56.69%	No		52.86%	56.30%
			Reading	86.50%	48.41%	No		56.74%	55.15%
		7	Mathematics	78.49%	37.90%	No		33.62%	46.21%
			Reading	85.75%	49.19%	No		40.87%	64.65%
		8	Mathematics	77.91%	40.98%	No		26.26%	25.24%
			Reading	84.45%	46.72%	No		40.40%	43.27%
		HS	Mathematics	73.67%	43.48%	No		47.92%	44.71%
			Reading	79.50%	40.66%	No		50.00%	53.01%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.35	Yes	Data meets the State's target. No required action.	^	0.00
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	4.96*	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	0.90	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	1.76	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	0.00	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	74.56%	Yes	Data meets the State's target. No required action.	76.16%	73.84%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	13.80%	Yes	Data meets the State's target. No required action.	12.28%	13.44%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	0.26%	Yes	Data meets the State's target. No required action.	0.65%	<1.00%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	64.62%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	17.95%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	67.39%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	60.9%	70.0%
		2. Exits within age expectations	72.5%	77.11%	Yes		68.4%	80.0%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	Compliant
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	1.07	0.00	0.00	0.00	1.19	Submit special education identification administrative policies and procedures to your M&A liaison by April 26, 2013. The M&A staff will schedule a record review of children in the race category, using Section 12 of the *Special Education Record Review* document.
		Asian	1.67	0.10	0.00	0.86	0.47	0.00	
		Black/African American	1.55	1.99	2.11	0.93	0.73	1.75	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.54	0.73	0.77	1.16	1.70	0.82	
		2 or more races	0.51	0.76	1.23	0.89	0.77	0.73	
		Hispanic	1.17	0.67	0.38	0.91	0.76	0.78	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.65	0.00	0.00	0.00	1.30	NA
		Asian	1.60	0.05	0.00	0.33	0.27	0.11	
		Black/African American	1.60	2.06	2.96	1.15	0.87	1.59	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.55	0.71	0.69	1.30	1.87	0.81	
		2 or more races	0.16	0.93	0.72	0.72	0.71	0.92	
		Hispanic	1.20	0.61	0.00	0.49	0.30	0.88	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	**Not Met – 54.75%**	**Not Met – 56.57%**
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	**Not Met – 4.46%**	**Not Met – 5.41%**
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	**Not Met – 8% (2 of 24 LSS)**	**Not Met – 48% (12 of 25 LSS)** **-includes SEED School**
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	**Met – 99.1%**	**Met – 99.1%**
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%, Reading 83.64% Grade 4: Mathematics 85.57%, Reading 88.45% Grade 5: Mathematics 82.38%, Reading 85.68% Grade 6: Mathematics 79.36%, Reading 86.50% Grade 7: Mathematics 78.49%, Reading 85.75% Grade 8: Mathematics 77.91%, Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	**Not Met – Indicator Targets were not met in any grade or subject area**	**Not Met – Indicator Targets (AMOs) were not met in any grade or subject area** **New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver**
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	**Not Met – 16% (4 of 24 LSS)**	**Not Met – 16% (4 of 24 LSS)**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	Met – 68.9%	Met – 69.2%
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	Not Met – 67.5%	Not Met – 69.5%
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	Met – 69.5%	Met – 70.4%
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	Not Met – 55.2%	Met – 60.4%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	Met – 0%	Met – 0%
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Not Met – 97.71%	Not Met – 97.79%
12	C to B Transition	100% 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.	Not Met – 99.17%	Met – 100%
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	Not Met – 95.3%	Not Met – 97.5%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Jerry B. Wilson
Superintendent
Worcester County Board of Education
6270 Worcester Highway
Newark, MD 21841

Dear Dr. Wilson: Jerry

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Worcester County Board of Education (WCBOE) has achieved the determination status of **"Meets Requirements."**

To achieve the determination status of "Meets Requirements," the WCBOE has met or exceeds the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** was not significantly below the target on the Least Restrictive Environment (LRE) indicators (5a, 5b, or 5c). In addition, the WCBOE demonstrates compliance (100%) for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides a data analysis for WCBOE. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

Congratulations on your hard work and commitment to excellence. The MSDE is committed to supporting the efforts of the WCBOE to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Glen Hammerbacher
Branch/Section Chiefs

March 20, 2013
Worcester County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

0.00FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		**81.50%**	84.09%	Yes	Data meets the State's target for the 4 and 5 year cohort. No action required.	^	^
		5 year cohort		**84.40%**	84.44%	Yes		^	^
2	**Students with IEPs dropping out (Annual)**			**≤ 3.27%**	≤ 3.00%	Yes	Data meets the State's target. No required action.	0.87%	16.36%
3A	**State Assessment: AMO for disability subgroup in the LEA**	**AMO for Reading**		**Meets**	Met	Yes	Data meets the State's target. No required action.	^	^
		AMO for Mathematics		**Meets**	Met	Yes		^	^
3B	**State Assessment: Participation rates of IEP students in all grades in the LEA**			**≥ 95%**	≥ 95%	Yes	Data meets the State's target. No required action.	≥ 95%	≥ 95%
3C	**State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards**	3	Mathematics	**85.65%**	86.49%	Yes	Data does not meet the State's target. Continue to implement *Master Plan* improvement strategies.	79.25%	95.00%
			Reading	**83.64%**	87.84%	Yes		77.36%	95.00%
		4	Mathematics	**85.57%**	84.00%	No		77.59%	85.25%
			Reading	**88.45%**	93.88%	Yes		68.97%	88.52%
		5	Mathematics	**82.38%**	75.41%	No		50.70%	66.67%
			Reading	**85.68%**	82.26%	No		61.97%	73.91%
		6	Mathematics	**79.36%**	85.92%	Yes		49.09%	75.68%
			Reading	**86.50%**	78.87%	No		72.73%	77.03%
		7	Mathematics	**78.49%**	82.89%	Yes		80.43%	78.95%
			Reading	**85.75%**	65.79%	No		78.26%	73.68%
		8	Mathematics	**77.91%**	71.43%	No		79.17%	94.12%
			Reading	**84.45%**	73.68%	No		75.00%	92.16%
		HS	Mathematics	**73.67%**	77.27%	Yes		65.85%	68.89%
			Reading	**79.50%**	68.18%	No		47.73%	43.75%

^ Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.04	Yes	Data meets the State's target. No required action.	^	0.00
4A	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.00	Yes	Data meets the State's target. No required action.	^	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	*Amer Indian/Alaska Native*	< 2.0	0.00	Yes	No significant discrepancy. No required action.	Δ	0.00
4B		*Asian*	< 2.0	0.00	Yes			0.00
4B		*Black or African American*	< 2.0	1.87	Yes			0.00
4B		*Native Haw/Pacific Islander*	< 2.0	0.00	Yes			0.00
4B		*White*	< 2.0	0.80	Yes			0.00
4B		*2 or more races*	< 2.0	0.00	Yes			0.00
4B		*Hispanic*	< 2.0	0.00	Yes			0.00
4B	Discrepancy exists in the category N size is < 30*	Policies/ procedures/ practices contribute to the discrepancy.	No	NA	NA			NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	89.58%	Yes	Data meets the State's target. No required action.	88.49%	88.32%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	1.88%	Yes	Data meets the State's target. No required action.	0.63%	0.75%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	4.49%	Yes	Data meets the State's target. No required action.	5.84%	5.99%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	65.48%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	27.38%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	69.23%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	100%	43.8%
7A		2. Exits within age expectations	72.5%	80.00%	Yes		100%	44.4%

^Data calculation change; data not comparable to FFY 2011 data.

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	76.47%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	87.5%	66.7%
		2. exits within age expectations	58.3%	75.00%	Yes		57.9%	50.0%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	80.00%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	80.0%	38.5%
		2. Exits within age expectations	65.2%	80.00%	Yes		84.2%	50.0%
8A	Parent Survey	Age 3-5	39.0%	30%	No	Data does not meet the State's target for ages 3-5. Data meet the State's target for ages 6-21.	63%	64%
		Age 6-21	36.0%	59%	Yes		45%	46%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	1.14	Yes	No significant disproportionate representation. No required action.	^	0.00
		Asian	< 2.0	0.82	Yes			0.00
		Black, African American	< 2.0	1.47	Yes			0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.81	Yes			0.00
		2 or more races	< 2.0	0.81	Yes			0.00
		Hispanic	< 2.0	0.73	Yes			0.00
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	98.71%	100%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	0.00	0.00	4.69*	0.00	No significant disproportionate representation exists. No action required.
		Asian	3.60*	0.17	0.00	1.57	3.10*	0.38	
		Black/African American	2.26*	1.81	0.00	1.12	0.66	1.62	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.32	0.67	2.25*	0.88	1.13	1.02	
		2 or more races	0.00	1.30	0.00	0.53	0.42	0.55	
		Hispanic	0.51	0.87	4.42*	0.91	0.61	0.25	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.00	49.05*	0.00	0.00	7.27*	NA
		Asian	1.68	0.18	0.00	0.80	2.63*	0.94	
		Black/African American	3.03*	1.75	0.60	1.19	0.85	1.23	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.35	0.64	1.10	1.03	1.23	1.09	
		2 or more races	0.00	1.49	4.90*	0.83	0.00	0.48	
		Hispanic	0.54	1.00	0.00	0.68	0.39	0.30	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.	**Not Met – 54.75%**	**Not Met – 56.57%**
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.	**Not Met – 4.46%**	**Not Met – 5.41%**
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities	**Not Met – 8% (2 of 24 LSS)**	**Not Met – 48% (12 of 25 LSS)** **-includes SEED School**
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.	**Met – 99.1%**	**Met – 99.1%**
3c	Student Achievement – Proficiency	Grade 3: Mathematics 85.65%, Reading 83.64% Grade 4: Mathematics 85.57%, Reading 88.45% Grade 5: Mathematics 82.38%, Reading 85.68% Grade 6: Mathematics 79.36%, Reading 86.50% Grade 7: Mathematics 78.49%, Reading 85.75% Grade 8: Mathematics 77.91%, Reading 84.45% Grade 10: Reading 79.50% Grade 12: Mathematics 73.67%	**Not Met – Indicator Targets were not met in any grade or subject area**	**Not Met – Indicator Targets (AMOs) were not met in any grade or subject area** **New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver**
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.	**Not Met – 16% (4 of 24 LSS)**	**Not Met – 16% (4 of 24 LSS)**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	**Met – 68.9%**	**Met – 69.2%**
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	**Not Met – 67.5%**	**Not Met – 69.5%**
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	**Met – 69.5%**	**Met – 70.4%**
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	**Not Met – 55.2%**	**Met – 60.4%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	Met – 63.9%	Met – 65.5%
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	Not Met – 63.6%	Met – 67.0%
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		Met – 49%	Met – 49%
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		Met – 40%	Met – 42%
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		Met – 0%	Met – 0%

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	Not Met – 29.36%	Not Met – 24.94%
		73% enrolled in higher education or competitively employed	Not Met – 50.17%	Not Met – 57.79%
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	Not Met – 62.73%	Met – 85.99%
15	General Supervision	100% of noncompliance corrected within one year of identification	Not Met – 97.51%	Not Met – 98.13%
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	Met – 100%	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	Met – 64.2%	Met – 70.5%
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	Met – 77.6%	Met – 76.6%
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	Met – 100%	Met – 100%

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249

Technical Assistance contacts
May 10, 2013

MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

May 31, 2013

Dr. Andrés Alonso
Chief Executive Officer
Baltimore City Public Schools
200 East North Avenue
Baltimore, MD 21202

Dear Dr. Alonso:

The Individuals with Disabilities Education Act 2004 (IDEA) focuses on each state's accountability on the State Performance Plan (SPP) indicators defined by the Office of Special Education Programs (OSEP). The OSEP annually reviews each state's SPP and Annual Performance Report (APR). Using information obtained, the OSEP evaluates and assigns each state to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The determinations required under the federal statute are part of the ongoing efforts to improve results for children and youth with disabilities. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination for Federal Fiscal Year (FFY) 2011 (2011-2012) Part B in early June 2013.

Consistent with 34 CFR §§300.600 and 300.604, the MSDE is also required to make determinations annually on the performance of each local school system (LSS) in the State using one of the following four categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." The MSDE, Division of Special Education/Early Intervention Services uses a results-based rubric for specific indicators to rate each local school system's performance in meeting the State's targets for FFY 2011. Attached is *Part C and Part B Public Agency Determination* that provides the Part B Indicators included to identify the determination status. Based on FFY 2011 data, as well as information obtained through monitoring and complaint investigations, the Baltimore City Public Schools (BCPS) has received the determination status of "**Needs Substantial Intervention, Year Seven**."

To achieve the determination status of "Meets Requirements," the BCPS is required to meet or exceed the State's targets on five performance indicators (1, 2, 5a, 5b, and 5c) **or** not be significantly below the target on the Least Restrictive Environment (LRE) Indicators (5a, 5b, or 5c). In addition, the BCPS must demonstrate 100% compliance for at least five of the seven compliance indicators (4, 9, 10, 11, 12, 13, and 20), **and** have no corrective actions or have corrected all previously identified findings of noncompliance within one year of identification (Indicator 15).

Attached to this letter are copies of the following documents:

- *Annual Data Table on SPP/APR Part B Indicators*; and
- *Part B Local Determination Framework for Technical Assistance and Intervention.*

The *Annual Data Table on SPP/APR Part B Indicators* provides an analysis of the BCPS' data. The *Part B Local Determination Framework for Technical Assistance and Intervention* provides additional information relative to technical assistance and support available to your local school system.

For the last six consecutive years (FFY 2005 (2005 – 2006) through FFY 2010 (2010 – 2011) the BCPS determination status was also "Needs Substantial Intervention." Consistent with 34 CFR §300.604 the MSDE, DSE/EIS initiated additional enforcement actions to assist the BCPS to change its determination status. On April 15, 2013, in addition to the MSDE, DSE/EIS requiring the BCPS to direct $500,000 of its State Fiscal Year (SFY) 2012 IDEA Part B section 611 carryover funds, the MSDE initiated the Focused Intervention and Accountability Team (FIAT) process to assist the BCPS to improve results for students with disabilities and their families. The first FIAT meeting was held on Thursday, May 30, 2013, at the MSDE, in the 9th floor conference room.

The specific indicators most critical to receiving "Meets Requirements" status for the BCPS are: Indicator 1 (Graduation), Indicator 2 (Drop Out), Indicator 4 (Suspension/Expulsion), Indicator 5 (Least Restrictive Environment), Indicator 11 (Initial Evaluation Timeline), Indicator 13 (Secondary Transition), and Indicator 15 (General Supervision). Local school systems below the State's target on any indicator are required to access sources of technical assistance and inform the MSDE of the type, amount, and frequency of assistance required to address specific needs. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA. Attached is a *Technical Assistance Contact List* of Division personnel able to assist the BCPS on each of the SPP Indicators.

As required, the State must report annually to the public on the performance of each LSS regarding the targets in the SPP. The public may access the MSDE IDEA Performance Report at http://mdideareport.org. The requirement for public reporting of local school system performance is a critical provision in ensuring accountability focusing on improved results for students with disabilities. The MSDE will continue to provide technical assistance opportunities to improve performance under Part B of the IDEA.

The MSDE is committed to supporting the efforts of the BCPS to improve results for students with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call me at 410-767-0238.

Sincerely,

Marcella E. Franczkowski

Marcella E. Franczkowski, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/ALP
Attachments

c: Lillian M. Lowery, Ed.D.
Kimberly Hoffmann
Branch/Section Chiefs

March 20, 2013
Baltimore City Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2011 – June 30, 2012

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Results Indicator / Compliance Indicator				FFY 2011			Action Required	Previous Results	
				State Target	Local Results	Target Met		FFY 2009	FFY 2010
1	Students with IEPs graduating with a regular diploma	4 year cohort		81.50%	39.22%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement *Master Plan* improvement strategies.	^	^
		5 year cohort		84.40%	45.28%	No		^	^
2	Students with IEPs dropping out (Annual)			≤ 3.27%	6.80%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	8.12%	6.80%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading		Meets	Not Met	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	^
		AMO for Mathematics		Meets	Not Met	No		^	^
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	≥ 95%	Yes	Data meets the State's target.	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	85.65%	48.38%	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	65.24%	52.75%
			Reading	83.64%	55.17%	No		67.80%	57.12%
		4	Mathematics	85.57%	55.29%	No		66.57%	52.39%
			Reading	88.45%	57.93%	No		61.51%	58.32%
		5	Mathematics	82.38%	45.74%	No		55.89%	42.50%
			Reading	85.68%	58.36%	No		66.61%	55.90%
		6	Mathematics	79.36%	36.97%	No		41.06%	37.01%
			Reading	86.50%	40.98%	No		49.55%	42.48%
		7	Mathematics	78.49%	28.85%	No		34.08%	30.68%
			Reading	85.75%	35.31%	No		40.59%	39.98%
		8	Mathematics	77.91%	20.68%	No		25.62%	19.63%
			Reading	84.45%	33.11%	No		40.16%	36.36%
		HS	Mathematics	73.67%	28.64%	No		24.60%	28.33%
			Reading	79.50%	33.58%	No		30.54%	33.99%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011 State Target	FFY 2011 Local Results	FFY 2011 Target Met	Action Required	Previous Results FFY 2009	Previous Results FFY 2010
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.13	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	2.88
4A	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.35	No	Data does not meet the State target. Continue to implement *Master Plan* improvement strategies.	^	2.50
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity Discrepancy exists in the category N size is < 30*	*Amer Indian/Alaska Native*	< 2.0	2.79*	Yes	Significant discrepancy exists. A review of policies, procedures and practices do not contribute to the significant discrepancy. No required action.	Δ	0.00
		Asian	< 2.0	0.00	Yes			0.00
		Black or African American	< 2.0	2.56	No			2.85
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00
		White	< 2.0	0.65	Yes			0.00
		2 or more races	< 2.0	0.00	Yes			0.00
		Hispanic	< 2.0	0.00	Yes			0.00
		Policies/ procedures/ practices contribute to the discrepancy.	No		Yes			No
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 62.61%	58.11%	No	Data does not meet the State target. Improvement Plan required.	50.21%	53.11%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.36%	20.51%	No	Data does not meet the State target. Improvement Plan required.	23.47%	21.76%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.32%	9.10%	No	Data does not meet the State target. Improvement Plan required.	10.41%	10.26%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		59.7%	65.07%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≥60.2%.	Δ	Δ
6B	Aged 3-5 LRE: Separate School or Class		21.8%	22.20%	NA	Baseline year. No required action. Compare school system data to baseline. FFY 2012 target is ≤21.3%.	Δ	Δ
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	67.3%	56.41%	No	Data does not meet the State target in category 7A1 and 7A2. Improvement Plan required.	62.0%	50.9%
		2. Exits within age expectations	72.5%	58.55%	No		64.0%	57.6%

^Data calculation change; data not comparable to FFY 2011 data. Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Compliance Indicators								
SPP/APR Indicators Results Indicator Compliance Indicator			FFY 2011			Action Required	Previous Results	
			State Target	Local Results	Target Met		FFY 2009	FFY 2010
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	67.6%	52.99%	No	Data does not meet the State target in category 7B1 and 7B2. Improvement Plan required.	59.1%	45.7%
		2. exits within age expectations	58.3%	44.41%	No		43.7%	35.9%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	62.7%	57.20%	No	Data does not meet the State target in category 7C1 and 7C2. Improvement Plan required.	68.3%	47.7%
		2. Exits within age expectations	65.2%	57.57%	No		65.3%	52.8%
8A	Parent Survey	Age 3-5	39.0%	58%	Yes	Data meets the State's target in 3-5. Data does not meet the State's target for 6-21.	34%	57%
		Age 6-21	36.0%	35%	No		32%	39%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	*Amer Indian/Alaska Native*	< 2.0	0.65	Yes	No significant disproportionate representation. No action required.	^	0.68
		Asian	< 2.0	0.32	Yes			0.31
		Black, African American	< 2.0	1.07	Yes			1.03
		Native Haw/Pacific Islander	< 2.0	0.18	Yes			0.24
		White	< 2.0	1.33	Yes			1.39
		2 or more races	< 2.0	0.81	Yes			0.71
		Hispanic	< 2.0	0.59	Yes			0.57
	Disproportionate representation exits in the category N size is < 30*	Disproportionate representation is due to inappropriate identification	No (0%)	NA	NA			NA
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	97.65%	No	Noncompliant. Completion (correction) verified by M&A staff. No required action.	96.46%	97.18%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	Compliant. Data verified by M&A staff. No required action.	100%	100%

^Data calculation change; data not comparable to FFY 2011 data.

FFY 2011 (SFY 2012) Part B Compliance Indicators							
SPP/APR Indicators Results Indicator Compliance Indicator		FFY 2011			Action Required	Previous Results	
		State Target	Local Results	Target Met		FFY 2009	FFY 2010
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	88.0%	No	Noncompliant. Correction could not be verified by M&A staff. Finding remains open.	65.0%	92.0%
15	Timely correction of noncompliance	100%	< 100%	No	Noncompliant. Failure to correct noncompliance within one year on 2 findings. Findings remain open.	NC	NC
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2011 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.00	0.81	0.49	0.56	1.12	0.91	No significant disproportionate representation exists. No action required.
		Asian	0.18	0.22	0.05	0.38	0.97	0.13	
		Black/African American	1.14	0.52	1.49	0.41	0.54	0.79	
		Native Hawaiian/ Pacific Islander	0.59	0.17	0.00	0.00	0.00	0.43	
		White	0.98	1.10	1.21	1.74	1.93	1.42	
		2 or more races	1.46	0.31	1.75	0.29	1.48	0.51	
		Hispanic	0.57	0.64	0.19	1.13	0.49	0.29	
		Disproportionate representation is due to inappropriate identification							

FFY 2010 (SFY 2011) Part B Compliance Indicators									
SPP/APR Indicators Compliance Indicator			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
10	FFY 2010 results: Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification Disproportionate representation exists N size is < 30*	American Indian/Alaska Native	0.25	0.91	0.77	0.43	0.54	0.85	NA
		Asian	0.37	0.28	0.06	0.40	0.83	0.10	
		Black/African American	1.21	1.39	1.39	0.64	0.51	1.12	
		Native Hawaiian/ Pacific Islander	0.00	0.30	0.00	0.43	0.00	0.37	
		White	1.07	1.11	1.25	1.81	1.85	1.56	
		2 or more races	1.60	0.15	0.98	0.00	2.40*	0.39	
		Hispanic	0.54	0.61	0.22	1.13	0.50	0.34	
		Disproportionate representation is due to inappropriate identification							

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Allegany	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Anne Arundel	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Baltimore City	Needs Substantial Intervention 1	Needs Substantial Intervention 2	Needs Substantial Intervention 3	Needs Substantial Intervention 4	Needs Substantial Intervention 5	Needs Substantial Intervention 6	Needs Substantial Intervention 7
Baltimore Co	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5	Needs Assistance 6	Needs Assistance 7
Calvert	Needs Assistance	Needs Intervention	Needs Assistance 1	Needs Assistance 2	Needs Assistance 3	Needs Assistance 4	Needs Assistance 5
Caroline	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Carroll	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Cecil	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Needs Intervention	Meets Requirements
Charles	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Dorchester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Frederick	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Garrett	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Harford	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Needs Assistance	Meets Requirements	Meets Requirements
Howard	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Kent	Needs Assistance	Needs Intervention	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

7 Years of Part B Determinations in Maryland

	FFY 2005	FFY 2006	FFY 2007	FFY 2008	FFY 2009	FFY 2010	FFY 2011
Montgomery	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Intervention 3	Meets Requirements	Meets Requirements	Meets Requirements
Prince George's	Needs Assistance	Needs Intervention	Needs Assistance	Needs Intervention 1	Needs Intervention 2	Needs Substantial Intervention 1	Needs Substantial Intervention 2
Queen Anne's	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Somerset	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Needs Assistance
St. Mary's	Meets Requirements	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Talbot	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Washington	Needs Assistance	Needs Assistance 2	Needs Assistance 3	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Wicomico	Needs Assistance	Needs Assistance 2	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements
Worcester	Needs Assistance	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements	Meets Requirements

[QAM March 31, 2011]

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011			FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
1	Graduation Rates	90% of youth with IEPs will graduate from high school with a diploma.			Not Met – 54.75%	Not Met – 56.57%
2	Drop-Out Rates	The dropout rate of students with IEPs will be 3.27% or less.			Not Met – 4.46%	Not Met – 5.41%
3a	Student Achievement – AMO	50% of the State's local school systems will meet AMO for the subgroup of students with disabilities			Not Met – 8% (2 of 24 LSS)	Not Met – 48% (12 of 25 LSS) -includes SEED School
3b	Student Achievement – Participation	95% of students with disabilities will participate in the Statewide assessment system.			Met – 99.1%	Met – 99.1%
3c	Student Achievement – Proficiency	Grade	Mathematics	Reading	Not Met – Indicator Targets were not met in any grade or subject area	Not Met – Indicator Targets (AMOs) were not met in any grade or subject area New Indicator Targets (AMOs) are based on ESEA Flexibility Waiver
		3	85.65%	83.64%		
		4	85.57%	88.45%		
		5	82.38%	85.68%		
		6	79.36%	86.50%		
		7	78.49%	85.75%		
		8	77.91%	84.45%		
		10		79.50%		
		12	73.67%			
4a	Suspension and Expulsion	No more than two (2) or 8.3% of the local school systems will show a significant discrepancy in the rates of suspensions and expulsions greater than 10 days for all students with disabilities compared with all non-disabled students.			Not Met – 16% (4 of 24 LSS)	Not Met – 16% (4 of 24 LSS)

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
4b	Suspension and Expulsion (race / ethnicity)	0% of districts have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.	**Not Met – 4.1% (1 of 24 LSS)**	**Met – 0%**
5a	LRE 80% or more of the day	62.61% of students with disabilities, ages 6-21, are served Inside the regular class 80% or more of the day	**Met – 66.14%**	**Met – 67.12%**
5b	LRE less than 40% of the day	15.36% of students with disabilities, ages 6-21, are served Inside the regular class less than 40% of the day	**Met – 14.04%**	**Met – 13.66%**
5c	LRE Separate Public and Nonpublic Schools	6.32% of students with disabilities, ages 6-21, are served in public or private separate schools, residential placements, or home bound or hospital placements	**Not Met – 7.12%**	**Not Met – 7.01%**
6a	Preschool LRE - regular early childhood program	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 63.6% FFY 2012 Target 64.1%**
6b	Preschool LRE - separate class, school or facility	No Target for FFY 2011. New baseline established and reported in the current (FFY2011) APR.	**Indicator Not reported as per OSEP Instruction**	**FFY 2011 Baseline 19.6% FFY 2012 Target 19.1%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7a	Preschool Outcomes - Positive social-emotional skills	Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program	66.8%	**Met – 68.9%**	**Met – 69.2%**
		The percent of children who were functioning within age expectations in Outcome A by the time they exited the program	72.0%	**Not Met – 67.5%**	**Not Met – 69.5%**
7b	Preschool Outcomes - Acquisition and use of knowledge and skills	Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program	67.1%	**Met – 69.5%**	**Met – 70.4%**
		The percent of children who were functioning within age expectations in Outcome B by the time they exited the program	58.2%	**Not Met – 55.2%**	**Met – 60.4%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011		FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
7c	Preschool Outcomes - Use of appropriate behaviors to meet their needs	Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program	62.2%	**Met – 63.9%**	**Met – 65.5%**
		The percent of children who were functioning within age expectations in Outcome C by the time they exited the program	64.7%	**Not Met – 63.6%**	**Met – 67.0%**
8a	Parent Involvement - Preschool	39% of the parents of preschool-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.		**Met – 49%**	**Met – 49%**
8b	Parent Involvement – School Age	36% of the parents of school-aged children receiving special education services will report that schools facilitated parent involvement as a means of improving services and results for children with disabilities		**Met – 40%**	**Met – 42%**
9	Disproportionate Representation (Race & Ethnicity)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups receiving special education and related services that is the result of inappropriate identification.		**Met – 0%**	**Met – 0%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
10	Disproportionate Representation (Race/Ethnicity & Disability)	0% of local school systems that are identified with a disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.	**Met – 0%**	**Met – 0%**
11	Initial Evaluation	100% of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	**Not Met – 97.71%**	**Not Met – 97.79%**
12	C to B Transition	100% 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.	**Not Met – 99.17%**	**Met – 100%**
13	Transition Goals on IEP	100% of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.	**Not Met – 95.3%**	**Not Met – 97.5%**

FFY 2011 (2011-2012) Part B
State Performance Plan and Annual Performance Report (APR)
Indicator Performance At-A-Glance

Indicator	Description	SPP Target for FFY 2011	FFY 2010 Met/Not Met	FFY 2011 Met/Not Met
14	Post School Outcomes	Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were:		
		50% enrolled in higher education	**Not Met – 29.36%**	**Not Met – 24.94%**
		73% enrolled in higher education or competitively employed	**Not Met – 50.17%**	**Not Met – 57.79%**
		82% enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment	**Not Met – 62.73%**	**Met – 85.99%**
15	General Supervision	100% of noncompliance corrected within one year of identification	**Not Met – 97.51%**	**Not Met – 98.13%**
16	State Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State complaint decisions as part of the data they submit under IDEA section 618.**	**Met – 100%**	**Indicator discontinued**
17	Due Process Complaints	**This indicator has been deleted from the SPP/APR. States report data on the timeliness of State due process hearing decisions as part of the data they submit under IDEA section 618.**	**Met – 100%**	**Indicator discontinued**
18	Resolutions	64 – 75% of all resolution meetings conducted will result in a settlement agreement	**Met – 64.2%**	**Met – 70.5%**
19	Mediations	75 – 85% rate of mediations that result in mediation agreements	**Met – 77.6%**	**Met – 76.6%**
20	State Reported Data	100% of State reported 618 data and annual performance reports, are accurate and submitted on or before due dates.	**Met – 100%**	**Met – 100%**

Part B
Local Determination Scoring Criteria Based on
FFY 2011 (July 1, 2011 – June 30, 2012) Data

Meets Requirements

Performance Indicators

LSS met or exceeded State targets for five performance indicators (1, 2, 5a, 5b, and 5c).

OR

LSS data for LRE performance indicators 5a, 5b, and 5c were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full or substantial[1] compliance for at least five of the compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS has no corrective actions or corrected all previously identified findings of noncompliance within one year of identification (15).

Needs Assistance

Performance Indicators

LSS data were not significantly below State targets for at least two of five performance indicators (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least four of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS corrected all but one corrective action and demonstrated timely diligent effort and substantial improvement overall (15).

Needs Intervention

Performance Indicators

LSS met or exceeded State targets in at least one performance indicator (1, 2, 5A, 5B, and 5C).

AND

Compliance Indicators

LSS demonstrated full or substantial compliance for at least three of seven compliance indicators (4, 9, 10, 11, 12, 13, and 20).

AND

General Supervision Indicator

LSS did not correct all previously identified findings of noncompliance within two years of identification (15).

Needs Substantial Intervention

LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

OR

LSS failure to substantially comply has affected the core requirements, such as the delivery of services to students with disabilities or to provide effective general supervision and oversight.

OR

LSS informed the State that it is unwilling to comply with the core requirements.

Part B Local Determination
Framework for Assistance and Intervention

Overview

The Individuals with Disabilities Education Act 2004 (IDEA) addresses state accountability on Part B indicators defined in the Office of Special Education Programs (OSEP) State Performance Plan. OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention.

The IDEA also requires states to assign these same levels of determination to each local school system. Each level of determination results in enforcements. The MSDE has program and monitoring activities to support each local school system's efforts to improve performance and identify and correct noncompliance with federal and State requirements. These include teleconference calls, technical assistance, professional development, targeted funds for improvement, and on-site visits, as appropriate. It is MSDE's preference to work with each local school system in a collaborative manner to improve performance. However, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

State Regulatory Requirements

COMAR 13A.05.02.07 Compliance Review Activities

A. The Department[1] is responsible for the development and implementation of policies and procedures for compliance review of public agencies to ensure implementation of the requirements of 20 U.S.C. 1400—1419, Education Article, §§8-401—8-415, Annotated Code of Maryland, COMAR 13A.05.01, and Regulation .13 of this chapter.

B. If the Department identifies a violation of federal or State law or regulation by a public agency, the Department shall require the public agency to submit documentation verifying the implementation of a corrective action.

C. The Department shall develop policies and procedures to address the provision of technical assistance, monitoring, and enforcement of corrective actions implemented by a public agency as a result of a violation under §B of this regulation and consistent with 20 U.S.C. §1416(a)(1)(C) and 34 CFR §300.600.

D. If a public agency has not implemented the corrective actions in the time and manner specified by the Department, the Department shall:

(1) Advise the public agency in writing that the corrective actions shall be implemented within a specified time frame to avoid further enforcement action; and

[1] Department means the Maryland State Department of Education (MSDE).

(2) Offer additional technical assistance to the public agency to assist in the implementation of the corrective actions.

E. If, after the implementation of §D of this regulation, a public agency has not implemented the corrective actions or made good faith efforts to correct substantial violations, the Department may initiate sanctions, including, but not limited to the following:

(1) Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
(2) Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
(3) Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
(4) Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
(5) Withhold or reduce State funds for special education services pending the completion of corrective actions;
(6) Assign Department staff on-site to assist in the completion of the corrective actions; and
(7) Assign a monitor to oversee the public agency's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

F. Prior to reducing or withholding funds, all requirements regarding proper notice by the Department to the public agency shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Needs Assistance

The process for the provision of assistance is dependent upon the degree of need within each local school system. The types of assistance must be individualized to address the root causes of the problem(s) for each indicator(s) in order to meet the specific identified needs within a local school system.

MSDE will identify:

- What needs to change;
- How frequently and in what manner the local school system reports on progress; and
- The MSDE contact for support, information, documentation, and follow-up.

In collaboration with MSDE, local school systems will identify the type, amount, and frequency of assistance needed to address the specific needs. A wide variety of assistance is available. MSDE is available to consult with local school systems by telephone, fax, email, mail, or in-person. To enable a local school system to improve performance and meet compliance available assistance may include, but is not limited to MSDE assisting a local school system to:

- Clarify/examine/develop/revise policies and procedures;
- Clarify/examine/develop/revise system administration and system of general supervision;
- Clarify/examine/develop/revise system of self-monitoring;
- Provide training/professional development;
- Access the advice of experts to address the area(s) of need, including explicit plans for addressing the area for concern within a specified period of time;
- Identify and implement professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- Designate and use distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, assistance, and support;
- Devise additional approaches to providing assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under IDEA, and private providers of scientifically based technical assistance;
- Provide access to additional tools and resources;
- Share sample forms, procedures, processes;
- Provide information on where additional information, resources, support, and other organizations for support may be located;
- Examine/revise data collection;
- Improve collaboration/coordination with internal and external colleagues;
- Provide local director networking opportunities;
- Develop specialized programs/services;
- Examine options for increasing/reallocating personnel
- Clarify/examine/develop/revise fiscal management procedures and documentation
- Use evaluative measures to validate progress and correction of previous noncompliance
- Provide access to discretionary funds.

Needs Intervention

The determination category of Needs Intervention indicates a need for assistance and support in both performance and compliance areas within the local school system's General Supervision process. Assistance may need to be provided for more than one performance indicator and multiple compliance indicators. This category also reflects a local school systems continued inability to correct previously identified noncompliance. Using the National Center for Special Education Accountability Monitoring (NCSEAM) "Developing and Implementing an Effective System of General Supervision: Part B," MSDE will direct local school systems to examine, clarify, and develop an effective system of general supervision to address compliance and performance. This may require more frequent MSDE oversight and direct onsite follow-up.

In collaboration with local school systems, MSDE may determine a local school system needs additional assistance beyond that listed above in the determination category of Needs Assistance.

Additional supports and required actions may include but are not limited to:

- Mandatory review of the local school system's system of general supervision to include:
    - Local Self-Assessment of Performance and Compliance;
    - Policies, procedures, and effective practices, including the local school system's required documentation of implementation;
    - Integrated Monitoring Activities;
    - Fiscal Management;
    - Data Processes and Results;
    - Improvement, Correction, Incentives, and Sanctions;
    - Effective Dispute Resolution; and
    - Targeted Assistance and Professional Development.

- Identification and prioritization of corrective actions based upon the analysis of their system of general supervision, needs and resources;
- Development and implementation of required Corrective Action Plans with required timelines for submission, provision of evidence and data to demonstrate progress and correction as soon as possible but in no case later than one year;
- MSDE prescribing the use of discretionary funds;
- Identification of a local school system as a high risk grantee if a local school system is in the category of Needs Intervention for 2 years;
- Required quarterly reporting on status of correction of noncompliance

Needs Substantial Intervention

The determination category of Needs Substantial Intervention indicates a need for significant assistance and support in both performance and compliance. Assistance is needed in multiple performance and compliance indicators. In addition to the available assistance listed above, to address Needs Intervention, additional supports and required actions may include, but are not limited to:

- Redirect or target the use of funds allocated under IDEA Part B Discretionary funds;
- Reduce or eliminate the use of funds allocated under IDEA Part B Discretionary funds;
- Redirect or target the use of funds allocated under IDEA Part B Passthrough funds;
- Withhold or reduce Part B Passthrough funds pending completion of the corrective actions;
- Withhold or reduce State funds for special education services pending the completion of corrective actions;
- Assign MSDE staff on-site to assist in the completion of the corrective actions; and
- Assign a monitor to oversee the local school system's special education programs, with the responsibility for the costs of monitoring to be determined by the Department.

Prior to reducing or withholding funds, all requirements regarding proper notice by MSDE to the local school system shall be met, consistent with 20 U.S.C. §1413(c) and (d).

Overview
Maryland State Department of Education
Division of Special Education/Early Intervention Services
Part C and Part B Public Agency Determination
FFY 2011 (SFY 2012 – Reporting Period July 1, 2011 – June 30, 2012)

The Individuals with Disabilities Education Act 2004 (IDEA) is focused on state accountability on Part C and Part B indicators defined in the Office of Special Education's (OSEP) State Performance Plans. Annually, OSEP evaluates each state's performance on these indicators, and, as a result, assigns each state to one of four levels of determination: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The Maryland State Department of Education (MSDE) anticipates receiving its current federal determination status for Part C and Part B in early June 2013.

The IDEA also requires states to assign these same levels of determination, annually, to each public agency. In making determinations, OSEP requires that states consider:

- Performance on compliance indicators;
- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
- Uncorrected noncompliance from other sources; and
- Any audit findings.

In addition, states should also consider:

- Performance on performance indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results based rubric on specific indicators to rate each public agency's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each public agency's status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at http://mdideareport.org no later than June 14, 2013. From year to year, the indicators used in making levels of determinations and/or the scoring rubric may change based on OSEP's identification of MSDE's level of determination, special conditions, and other enforcements.

The following Part C indicators are included in assigning determinations:

1. Timely Services
2. Primary Service Setting

4a. family Survey – Know their rights
4b. Family Survey – Effectively communicate their children's needs
4c. Family Survey – Help their children develop and learn

5. Child Find 0-1
6. Child Find 0-3
7. 45 Day Timeline

8a. Transition (Transition Outcomes)
8b. Transition (Notification to LEA)
8c. Transition (Timely Planning Meeting)

9. Correction of Noncompliance
14. Data are timely, valid and reliable

The following Part B indicators are included in assigning determinations:

1. Graduation with a Diploma
2. Dropout
4. Suspension of Students with Disabilities
5. LRE for Students Ages 6-21
9. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity
10. Disproportionate Representation: A results of inappropriate identification, disaggregated by race/ethnicity and disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance (General Supervision)
20. Timely and Accurate Data

Each level of determination results in enforcements. The MSDE supports each public agency's efforts to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring activities provided includes,

but is not limited to, teleconference call, targeted technical assistance, professional development, targeted funds for improvement, and onsite visits, as appropriate. While it is MSDE's preference to work collaboratively with each public agency to improve performance, other enforcement options may be necessary for sustained poor performance and/or ongoing noncompliance.

In accordance with 34 C.F.R. §300.604(a), if Maryland determines, for two consecutive years, a public agency needs assistance under §300.603(b)(1)(ii) in implementing the requirements of IDEA, MSDE must take one or more of the following actions:

(1) Advise the public agency of available sources of technical assistance that may help to address the identified areas in which the public agency needs assistance;
(2) Direct the use of federal funds, in accordance with 34 C.F.R. §300.604(a)(2), on the area or areas in which the public agency needs assistance; and/or
(3) Identify the public agency as a high-risk grantee and impose special conditions on the public agency application for federal funds under IDEA.

In accordance with 34 C.F.R. §300.604(b), if Maryland determines, for three or more consecutive years, that a public agency needs intervention under §300.603(b)(1)(iii) in implementing the requirements of IDEA, MSDE must implement enforcement actions. MSDE may:

(1) Take any of the actions described in 34 C.F.R. §300.604(a);
(2) Take one or more of the following actions:
    (i) Requires the public agency to prepare a corrective action plan or improvement plan if MSDE determines that the public agency should be able to correct the problem within one year.
    (ii) Require the public agency to enter into a compliance agreement under section 457 of the General Education Provisions Act, as amended, 20 U.S.C. 1221 *et seq.* (GEPA), if MSDE has reason to believe that the public agency cannot correct the problem within one year.
    (iii) For each year of the determination, withholds not less than 20 percent and not more than 50 percent of the State's funds under section 611(e) of the Act, until MSDE determines the public agency has sufficiently addressed the areas in which the public agency needs intervention.
    (iv) Seeks to recover funds under section 452 of GEPA.

(v) Withholds, in whole or in part, any further payments to the public agency under Part B of the Act.

In addition to the enforcement actions described above, if Maryland determines a public agency needs substantial intervention in implementing the requirements of IDEA or that there is a substantial failure to comply with any condition of a public agency's eligibility under IDEA, in accordance with 34 C.F.R. §300.604(c), MSDE may take one or more of the following actions:

(1) Recover Funds under section 452 of GEPA; or
(2) Withhold, in whole or in part, any further payments to the public agency under IDEA.

Prior to withholding any funds under IDEA, MSDE provides reasonable notice and an opportunity for a hearing to the public agency involved SEA involved, pursuant to the procedures in 34 C.F.R. §§ 300.180 through 300.183.

Maryland State Department of Education
Division of Special Education/Early Intervention

Technical Assistance Contact List

Indicator Number	Technical Assistance Contact	Phone Number
1 & 2	Tom Barkley	410-767-0244
3	Karla Marty	410-767-0244
4	Nancy FitzGerald	410-767-0249
5	Janet Jacob	410-767-0249
6, 7 & 12	Nancy Vorobey	410-767-0244
8	Alice Harris	410-767-0264
9 & 10	Nancy FitzGerald	410-767-0249
11	Ned Featherston	410-767-0249
13 & 14	Tom Barkley	410-767-0244
15	Monitoring Liaison (see below)	
	Martha Arthur	410-767-0255
16-19	Dori Wilson	410-767-7770
20	Ned Featherston	410-767-0249
LSS/PA	**Monitoring Liaison Contact**	**Phone Number**
Allegany	Allen Perrigan	410-767-0249
Anne Arundel	Allen Perrigan	410-767-0249
Baltimore City	Nancy FitzGerald	410-767-0249
Baltimore County	Nancy FitzGerald	410-767-0249
Calvert	Nancy FitzGerald	410-767-0249
Caroline	Nancy FitzGerald	410-767-0249
Carroll	Janet Jacobs	410-767-0249
Cecil	Janet Jacobs	410-767-0249
Charles	Nancy FitzGerald	410-767-0249
Dorchester	Janet Jacobs	410-767-0249
Frederick	Janet Jacobs	410-767-0249
Garrett	Allen Perrigan	410-767-0249
Harford	Janet Jacobs	410-767-0249
Howard	Nancy FitzGerald	410-767-0249
Kent	Allen Perrigan	410-767-0249
Montgomery	Nancy FitzGerald	410-767-0249
Prince George's	Janet Jacobs	410-767-0249
Queen Anne's	Allen Perrigan	410-767-0249
St. Mary's	Nancy FitzGerald	410-767-0249
Somerset	Allen Perrigan	410-767-0249
Talbot	Janet Jacobs	410-767-0249
Washington	Allen Perrigan	410-767-0249
Wicomico	Allen Perrigan	410-767-0249
Worcester	Allen Perrigan	410-767-0249
Maryland School for the Deaf	Janet Jacobs	410-767-0249
Maryland School for the Blind	Allen Perrigan	410-767-0249
Seed School	Janet Jacobs	410-767-0249
Corrections	Allen Perrigan	410-767-0249