

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

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

March 19, 2014

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

Dear Dr. Cox:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Allegany County Public Schools (ACPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the ACPS has achieved the determination status of "**Meets Requirements.**"

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

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Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR/cc
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Sheree Witt
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
1	Students with IEPs graduating with a regular diploma	4 year cohort ≥ 81.5%	20.69%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	69.62%	
2	Students with IEPs dropping out (Annual)	5 year cohort ≥ 84.4%	24.00%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	70.51%	
3A	State Assessment: AMO for disability subgroup in the LEA	≤ 3.27%	5.34%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	≤ 3.00%	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Meets	Not Met	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	^	Met
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	≥ 95%	Met	Yes	Data meets the State's target. No required action.		≥ 95%	≥ 95%	
		3 Mathematics	95.22%	63.50%	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		75.42%	81.67%	
		Reading	94.55%	73.91%			78.81%	72.50%	
		4 Mathematics	95.19%	82.40%			78.57%	83.48%	
		Reading	96.15%	83.20%			83.19%	82.61%	
		5 Mathematics	94.13%	56.07%			65.38%	83.16%	
		Reading	95.23%	81.31%			82.86%	74.74%	
		6 Mathematics	93.12%	53.66%			64.29%	59.76%	
		Reading	95.50%	62.65%			58.16%	65.43%	
		7 Mathematics	92.83%	51.39%			60.42%	58.33%	
		Reading	95.25%	68.92%			66.32%	69.51%	
		8 Mathematics	92.64%	33.77%			26.37%	56.18%	
		Reading	94.82%	44.87%			43.33%	40.45%	
		HS Mathematics	91.22%	22.73%			47.73%	25.00%	
		Reading	93.17%	21.05%			30.21%	19.57%	

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

3/14/14drr FINAL


Allegany Co. Annual Data Rpt FFY 2012


FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.75*	Yes	Data meets the State's target. No required action.		0.00	2.47*
	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	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.		0.00	0
		Asian	< 2.0	0.00	Yes			0.00	0
		Black or African American	< 2.0	8.62*	Yes			0.00	4.29*
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00	0
		White	< 2.0	2.45*	Yes			0.00	2.12*
		2 or more races	< 2.0	4.79*	Yes			0.00	11.4*
		Hispanic	< 2.0	0.00	Yes			0.00	0
	Discrepancy exists in the category	Policies/ procedures/ practices contribute to the discrepancy.	No	No	Yes			No	No
5A	N size is < 30*								
	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 63.11%	82.55%	Yes	Data meets the State's target. No required action.		82.13%	81.65%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.11%	7.94%	Yes	Data meets the State's target. No required action.		8.07%	7.99%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.22%	5.32%	Yes	Data meets the State's target. No required action.		5.98%	5.78%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥ 64.1%	77.08%	Yes	Data meets the State's target. No required action.		Δ	81.29%
6B	Aged 3-5 LRE: Separate School or Class		≤ 19.1%	1.39%	Yes	Data meets the State's target. No required action.		Δ	2.16%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	≥ 68.3%	57.6%	No	Data does not meet the State's target in Category 7A1 and 7A2. Improvement Plan required.		41.9%	70.00%
		2. Exits within age expectations	≥ 73.5%	70.4%	No			56.0%	74.60%

4Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	≥ 68.6%	61.4%	No	Data does not meet the State's target in category 7B1 and 7B2. Improvement Plan required.		43.9%	73.91%
		2. exits within age expectations	≥ 59.3%	57.4%	No			44.0%	68.25%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	≥ 63.7%	50.0%	No	Data does not meet the State's target in category 7C1 and 7C2. Improvement Plan required.		25.7%	62.79%
		2. Exits within age expectations	≥ 66.2%	55.6%	No			38.0%	66.67%
8A	Parent Survey	Age 3-5	40.0%	33.0%	No	Data does not meet the State's target for age 3-5. Data does meet the State's target for age 6-21.		50%	48.0%
		Age 6-21	38.0%	41.0%	Yes			36%	40.0%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native	< 2.0	1.11	Yes	No significant disproportionate representation. No required action.		0.82	0.92
		Asian	< 2.0	0.62	Yes			0.69	0.66
		Black, African American	< 2.0	1.20	Yes			1.29	1.14
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00	0.00
		White	< 2.0	0.96	Yes			1.01	0.40
		2 or more races	< 2.0	1.00	Yes			0.93	1.01
		Hispanic	< 2.0	0.86	Yes			0.54	0.84
		Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Yes			No (0%)	No (0%)
		N size is < 30*							
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	99.70%	No	Substantially compliant. Data verified. No required action.	99.32%	94.64%	
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. No required action.	100%	100%	

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	1.94	0.00	0.00	0.00	2.31*	No significant disproportionate representation exists. No action required.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.72	0.00	0.58	6.05*	0.00	
		Black/African American	1.60	0.96	3.82*	0.70	0.40	1.46	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.59	1.15	0.37	1.50	1.45	0.89	
		2 or more races	1.08	0.74	0.27	1.79	0.51	1.29	
		Hispanic	1.65	0.93	0.77	0.73	0.00	0.82	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

FFY 2011 (SFY 2012) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	1.55	0.00	0.00	0.00	2.08*	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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	
	N size is < 30*								
Disproportionate representation exists.	Disproportionate representation is due to inappropriate identification								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

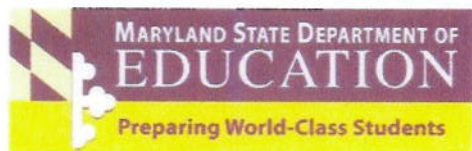
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Ms. Mamie J. Perkins
Interim Superintendent
Anne Arundel County Public Schools
2644 Riva Road
Annapolis, MD 21401

Dear Ms. Perkins:

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- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

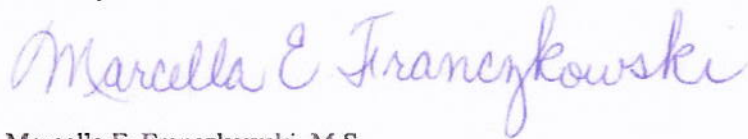
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Ms. Perkins
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Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Mary Tillar
Branch Chiefs

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1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	53.79%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	49.27%
		5 year cohort	≥ 84.4%	60.09%	No			^	56.11%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	5.70%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		5.74%	7.49%
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 <i>Master Plan</i> Improvement Strategies.		^	Not Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	Yes	Data meets the State's target. No required action.		≥ 95%	≥ 95%
	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	95.22%	63.03%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.	74.22%	70.52%
			Reading	94.55%	72.41%	No		77.25%	74.65%
		4	Mathematics	95.19%	69.34%	No		76.88%	77.98%
			Reading	96.15%	75.81%	No		75.19%	76.53%
		5	Mathematics	94.13%	61.99%	No		67.38%	69.27%
			Reading	95.23%	75.00%	No		79.83%	76.91%
		6	Mathematics	93.12%	39.26%	No		56.08%	58.48%
			Reading	95.50%	55.84%	No		59.50%	61.62%
		7	Mathematics	92.83%	48.19%	No		49.24%	58.14%
			Reading	95.25%	61.12%	No		60.04%	54.45%
		8	Mathematics	92.64%	26.00%	No		38.83%	43.38%
			Reading	94.82%	49.42%	No		63.84%	55.94%
		HS	Mathematics	91.22%	57.81%	No		52.45%	53.89%
			Reading	93.17%	60.30%	No		62.50%	59.02%


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


FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	0.31	Yes	Data meets the State's target. No required action.		0.00	0.50	
4B	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	1.28	Yes	Data meets the State's target. No required action.		0.00	0.82	
	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	< 2.0	0.00	Yes	No significant discrepancy. No required action.		0.00	0.00	
	Amer Indian/Alaska Native	< 2.0	0.00	Yes			0.00	0.00	
	Asian	< 2.0	0.00	Yes			0.00	0.00	
	Black or African American	< 2.0	1.20	Yes			0.00	1.46	
	Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00	0.00	
	White	< 2.0	0.28	Yes			0.00	0.28	
	2 or more races	< 2.0	1.33	Yes			0.00	0.00	
5A	N size is < 30*	< 2.0	0.38	Yes			0.00	0.31	
	Discrepancy exists in the category	No	No	Yes			No	No	
	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	71.71%	Yes	Data meets the State's target. No required action.		67.86%	70.44%	
	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	10.71%	Yes	Data meets the State's target. No required action.		12.44%	11.38%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	6.77%	No	Data does not meet the State's target. Improvement Plan required.		6.23%	6.50%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	41.68%	No	Data does not meet the State's target. Improvement Plan required.		Δ	56.66%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	25.99%	No	Data does not meet the State's target. Improvement Plan required.		Δ	26.56%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	≥ 68.3%	83.1	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.		87.4%	81.54%	
	1. Exits with substantial growth 2. Exits within age expectations	≥ 73.5%	74.1	Yes			77.3%	75.63%	

Δ Data not required to be submitted to OSEP

FFY 2012 (SFY 2013) Part B Indicators											
SPP/APR Indicators				FFY 2012			Action Required		Previous Results		
Results Indicator		Compliance Indicator		State Target	Local Results	Target Met		FFY 2010	FFY 2011		
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth		≥ 68.6%	85.5	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	91.8%	87.57%		
		2. Exits within age expectations		≥ 59.3%	69.7	Yes		77.6%	72.86%		
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth		≥ 63.7%	80.8	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	91.1%	84.51%		
		2. Exits within age expectations		≥ 66.2%	78.2	Yes		81.1%	77.39%		
8A	Parent Survey	Age 3-5		40.0%	45%	Yes	Data meets the State's target in 3-5 and 6-21.	49%	51%		
		Age 6-21		38.0%	41%	Yes		41%	43%		
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native		< 2.0	0.73	Yes	Compliant. No significant disproportionate representation. No required action.	0.85	0.43		
		Asian		< 2.0	0.44	Yes		1.55	1.55		
		Black, African American		< 2.0	1.57	Yes		0.64	1.10		
		Native Haw/Pacific Islander		< 2.0	0.95	Yes		0.81	0.81		
		White		< 2.0	0.81	Yes		0.88	0.89		
		2 or more races		< 2.0	0.90	Yes		0.75	0.76		
		Hispanic		< 2.0	0.78	Yes					
		Disproportionate representation is due to inappropriate identification		No (0%)	No (0%)	Yes		No (0%)	No (0%)		
		N size is < 30*									
		Disproportionate representation exits in the category									
Indicator 10 on last page											
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days			100%	99.34%	No	Substantially compliant. Data verified. No required action.	99.61%	99.81%		
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. No required action.	100%	100%		

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	100%	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.76	0.61	1.30	1.34	0.32	Identification procedures compliant. No required actions.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.83	0.26	0.25	0.75	0.89	0.20	
		Black/African American	2.21	2.02	2.29	0.99	0.91	1.66	
		Native Hawaiian/Pacific Islander	0.82	1.05	2.42*	0.96	0.44	0.63	
		White	0.57	0.58	0.66	1.04	1.26	0.92	
		2 or more races	0.48	0.79	1.39	0.80	0.97	1.05	
		Hispanic	0.68	1.01	0.32	1.09	0.69	0.49	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

FFY 2011 (SFY 2012) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	2.12	0.64	0.52	1.77	0.80	0.84	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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.



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

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

March 20, 2014

Ms. Tisha Edwards
Interim Superintendent
Baltimore City Public Schools
200 East North Avenue
Baltimore, MD 21202

Dear Ms. Edwards:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Baltimore City Public Schools (BCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the BCPS has achieved the determination status of "Needs Assistance."

The longstanding determination status of "Needs Substantial Intervention" of the BCPS triggered an increased level of accountability and focused intervention by the MSDE. Through State and local collaboration and with the marked improvement over the past year, the MSDE will provide a targeted level of assistance and support moving forward. The BCPS and the DSE/EIS will jointly develop, implement, and evaluate a comprehensive action plan. Next steps will be identified in the near future.

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Ms. Edwards
March 20, 2014
Page Two

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Kimberly Hoffmann
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Compliance Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	42.50%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	39.22%
		5 year cohort	≥ 84.4%	50.21%	No			^	45.28%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	6.01%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		6.80%	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 <i>Master Plan</i> Improvement Strategies.		^	Not Met
		AMO for Mathematics	Meets	Not Met	No			^	Not Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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 Reading	95.22%	38.79%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		52.75%	48.38%
			94.55%	50.75%	No			57.12%	55.17%
		4 Mathematics Reading	95.19%	46.16%	No			52.39%	55.29%
			96.15%	51.78%	No			58.32%	57.93%
		5 Mathematics Reading	94.13%	35.25%	No			42.50%	45.74%
			95.23%	49.73%	No			55.90%	58.36%
		6 Mathematics Reading	93.12%	27.88%	No			37.01%	36.97%
			95.50%	37.07%	No			42.48%	40.98%
		7 Mathematics Reading	92.83%	22.91%	No			30.68%	28.85%
			95.25%	38.80%	No			39.98%	35.31%
		8 Mathematics Reading	92.64%	15.56%	No			19.63%	20.68%
			94.82%	31.88%	No			36.36%	33.11%
		HS Mathematics Reading	91.22%	29.84%	No			28.33%	28.64%
			93.17%	29.92%	No			33.99%	33.58%


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


FFY 2012 (SFY 2013) Part B Compliance Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	2.77	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		2.88	2.13	
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	2.17	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		2.50	2.35	
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	3.56*	Yes	Significant discrepancy exists. A review of policies, procedures and practices do not contribute to the significant discrepancy. No required action		0.00	2.79*	
		Asian	1.94	Yes			0.00	0.00	
		Black or African American	2.39	No			2.85	2.56	
		Native Haw/Pacific Islander	0.00	Yes			0.00	0.00	
		White	1.49	Yes			0.00	0.65	
	Discrepancy exists in the category N size is < 30*	2 or more races	0.00	Yes			0.00	0.00	
		Hispanic	0.51	Yes			0.00	0.00	
		Policies/ procedures/ practices contribute to the discrepancy.					No	No	
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	61.85%	No	Data does not meet the State target. Improvement Plan required.		53.11%	58.11%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	18.44%	No	Data does not meet the State target. Improvement Plan required.		21.76%	20.51%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	8.78%	No	Data does not meet the State target. Improvement Plan required.		10.26%	9.10%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	72.48%	Yes	Data meets the State's target. No required action.		Δ	65.07%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	10.71%	Yes	Data meets the State's target. No required action.		Δ	22.20%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	63.7%	No	Data does not meet the State target in category 7A1 and 7A2. Implement improvement activities.		50.9%	56.41%	
		2. Exits within age expectations	66.7%	No			57.6%	58.55%	

Δ Data not require to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Compliance Indicators										
SPP/APR Indicators			FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011	
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	≥ 68.6%	60.0%	No	Data does not meet the State target in category 7B1 and 7B2. Implement improvement activities.		45.7%	52.99%	
		2. Exits within age expectations	≥ 59.3%	51.9%	No			35.9%	44.41%	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	≥ 63.7%	53.1%	No	Data does not meet the State target in category 7C1 and 7C2. Implement improvement activities.		47.7%	57.20%	
		2. Exits within age expectations	≥ 66.2%	59.9%	No			52.8%	57.57%	
8A	Parent Survey	Age 3-5	40.0%	29.0%	No	Data does not meet the State target. Improvement Plan required.		57%	58%	
		Age 6-21	38.0%	32.0%	No			39%	35%	
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native	< 2.0	0.62	Yes	No significant disproportionate representation. No required action.		0.68	0.65	
		Asian	< 2.0	0.35	Yes			0.31	0.32	
		Black, African American	< 2.0	1.16	Yes			1.03	1.07	
		Native Haw/Pacific Islander	< 2.0	0.13	Yes			0.24	0.18	
		White	< 2.0	1.28	Yes			1.39	1.33	
		2 or more races	< 2.0	0.64	Yes			0.71	0.81	
		Hispanic	< 2.0	0.58	Yes			0.57	0.59	
	Disproportionate representation is due to inappropriate identification		No (0%)	No (0%)	Yes		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%	94.85%	No	Quarter 1 substantially compliant. No required action.	97.18%	97.65%	
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. No required action.	100%	100%		

FFY 2012 (SFY 2013) Part B Compliance Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	96.7%	No	Substantially compliant. Data verified. No required action.	92.0%	88.0%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	NC	< 100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Compliance Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.70	0.18	0.84	1.09	0.88	No significant disproportionate representation exists. No required action.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.45	0.36	0.12	0.24	1.28	0.20	
		Black/African American	1.47	1.55	1.55	0.74	0.58	1.32	
		Native Hawaiian/ Pacific Islander	0.00	0.17	0.00	0.00	0.00	0.39	
		White	0.90	1.08	1.17	1.45	1.81	1.38	
		2 or more races	1.13	0.18	0.95	0.63	1.17	0.41	
		Hispanic	0.65	0.50	0.23	1.28	0.47	0.32	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

FFY 2011 (SFY 2012) Part B Compliance Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 20101results:	American Indian/Alaska Native	0.00	0.81	0.49	0.56	1.12	0.91	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results Indicators

LSS met or exceeded State targets for five performance Indicators (1, 2, 5A, 5B, and 5C).

OR

LSS data for IRE performance indicators 5A, 5B, and 5C were not significantly below the State targets.

AND

Compliance Indicators

LSS demonstrated full 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

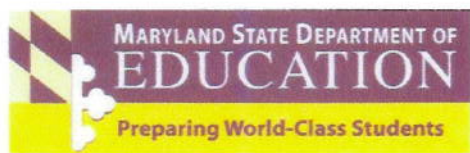
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 20, 2014

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

Dear Dr. Dance:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Baltimore County Public Schools (BCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the BCPS has achieved the determination status of **"Needs Assistance, Year Eight."**

For the last consecutive eight (8) years, the BCPS determination status has been "Needs Assistance." Historically, this represents inconsistent performance and a challenge to sustain targets met. The BCPS and the DSE/EIS will jointly develop, implement, and evaluate a comprehensive action plan that identifies targeted assistance, support, and resources. Next steps will be identified in the near future.

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Dance
March 20, 2014
Page Two

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Debra Y. Brooks
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	58.53%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	52.49%
		5 year cohort	≥ 84.4%	64.39%	No			^	59.32%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	5.32%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		6.39%	6.93%
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 <i>Master Plan</i> Improvement Strategies.		^	Not met
		AMO for Mathematics	Meets	Not Met	No			^	Not met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	62.61%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		69.50%	75.47%
		Reading	94.55%	68.00%	No			73.54%	72.33%
		4 Mathematics	95.19%	71.36%	No			73.67%	77.29%
		Reading	96.15%	73.77%	No			74.92%	73.80%
		5 Mathematics	94.13%	51.83%	No			63.99%	74.42%
		Reading	95.23%	68.96%	No			73.43%	67.07%
		6 Mathematics	93.12%	39.69%	No			55.84%	55.25%
		Reading	95.50%	46.39%	No			56.69%	51.60%
		7 Mathematics	92.83%	39.45%	No			52.13%	51.67%
		Reading	95.25%	53.46%	No			55.35%	51.26%
		8 Mathematics	92.64%	27.48%	No			38.50%	54.16%
		Reading	94.82%	39.85%	No			55.75%	38.87%
		HS Mathematics	91.22%	53.58%	No			55.08%	58.70%
		Reading	93.17%	53.19%	No			60.45%	55.70%


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


FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	2.50	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		2.15	2.34	
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	0.95	Yes	Data meets the State target. No required action.		2.30	1.33	
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	Significant discrepancy exists. A review of policies, procedures and practices do not contribute to the significant discrepancy. No required action.		0.00	4.25*	
		Asian	0.00	Yes			0.00	0.00	
		Black or African American	3.66	No			3.67	3.46	
		Native Haw/Pacific Islander	0.00	Yes			0.00	0.00	
		White	1.14	Yes			1.19	1.04	
		2 or more races	0.83	Yes			0.00	0.93	
	Discrepancy exists in the category N size is < 30*	< 2.0	0.99	Yes			0.00	2.12**	
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	No			Data meets the State's target. No required action.		No	No	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≥ 63.11%	64.36%	Yes	Data meets the State's target. No required action.		63.81%	63.71%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 15.11%	12.07%	Yes	Data meets the State's target. No required action.		13.82%	12.94%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≤ 6.22%	7.32%	No	Data does not meet the State target. Improvement Plan required.		7.24%	7.36%	
6B	Aged 3-5 LRE: Separate School or Class	≥ 64.1%	73.38%	Yes	Data meets the State's target. No required action.		Δ	59.61%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	≤ 19.1%	12.44%	Yes	Data meets the State's target. No required action.		Δ	18.61%	
		≥ 68.3%	65.3%	No	Data does not meet the State target in category 7A1 and 7A2. Implement improvement activities.		69.3%	62.33%	
		≥ 73.5%	67.6%	No			69.2%	67.37%	

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	≥ 68.6%	63.6%	No	Data does not meet the State target in category 7B1 and 7B2. Implement improvement activities.		70.7%	61.26%
		2. Exits within age expectations	≥ 59.3%	58.2%	No			57.1%	57.11%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	≥ 63.7%	57.1%	No	Data does not meet the State target in category 7C1 and 7C2. Implement improvement activities.		62.6%	58.28%
		2. Exits within age expectations	≥ 66.2%	62.6%	No			65.2%	64.10%
8A	Parent Survey	Age 3-5	40.0%	44.0%	Yes	Data meets the State's target in 3-5 and 6-21. No required action.		44%	54%
		Age 6-21	38.0%	40.0%	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	1.04	Yes	No significant disproportionate representation. No required action.		1.09	1.01
		Asian	< 2.0	0.39	Yes			0.37	0.38
		Black, African American	< 2.0	1.27	Yes			1.23	1.25
		Native Haw/Pacific Islander	< 2.0	0.80	Yes			0.91	0.80
		White	< 2.0	0.96	Yes			1.01	1.00
		2 or more races	< 2.0	0.94	Yes			0.86	0.90
		Hispanic	< 2.0	0.87	Yes			0.82	0.83
		Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Yes			No (0%)	No (0%)
		Disproportionate representation exits in the category							
		N size is < 30*							
Indicator 10 on next page									
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.41%	No	Substantially compliant. Data verified. No required action.		98.67%	98.20%
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. No required action.		100%	100%

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	NC	100%
20	State reported data are timely and accurate	100%	< 100%	No	Not timely for school personnel.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
	Compliance Indicator								
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.98	1.64	1.10	0.46	1.66	No significant disproportionate representation exists. No required action.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.51	0.28	0.08	0.56	0.69	0.18	
		Black/African American	1.65	1.54	1.70	0.67	0.95	1.47	
		Native Hawaiian/Pacific Islander	0.00	1.20	0.00	0.72	0.00	1.39	
		White	0.81	0.72	0.98	1.48	1.32	1.02	
		2 or more races	0.85	0.79	0.99	1.19	0.80	0.97	
		Hispanic	0.68	1.17	0.38	1.02	0.70	0.51	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

FFY 2011 (SFY 2012) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
 Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	0.58	2.48*	1.69	0.47	1.22	None
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

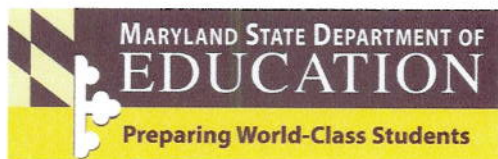
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 20, 2014

Ms. Nancy Highsmith
Interim Superintendent
Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

Dear Ms. Highsmith:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Calvert County Public Schools (CCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of **"Needs Assistance, Year Six."**

For the last consecutive six (6) years, the CCPS determination status has been "Needs Assistance." The CCPS is "substantially compliant" in all measured indicators of compliance, yet is "significantly below" the State target for the provision of services to students with disabilities in general education settings at least 80% of the day. The CCPS and the DSE/EIS will jointly develop, implement, and evaluate a comprehensive action plan that identifies targeted assistance, support, and resources. Next steps will be identified in the near future.

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Ms. Highsmith
March 20, 2014
Page Two

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Christina Harris
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
1	Students with IEPs graduating with a regular diploma	4 year cohort ≥ 81.5%	68.67%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	72.41%	
2	Students with IEPs dropping out (Annual)	5 year cohort ≥ 84.4%	73.81%	No	Data meets the State's target. No required action.		^	83.91%	
3A	State Assessment: AMO for disability subgroup in the LEA	≤ 3.27%	<3.00%	Yes	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	<3.00%	≤ 3.00%
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	Meets	Not Met	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	^	Not Met
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	AMO for Reading	Meets	No	Data meets the State's target. No required action.		^	^	Met
		3 Mathematics	≥ 95%	Yes	Data meets the State's target. No required action.		> 95	> 95	> 95
		3 Reading	95.22%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		69.30%	70.40%	70.40%
		4 Mathematics	94.55%	No			71.93%	70.63%	70.63%
		4 Reading	95.19%	No			68.66%	66.04%	66.04%
		5 Mathematics	96.15%	No			75.19%	77.36%	77.36%
		5 Reading	94.13%	No			56.44%	58.77%	58.77%
		6 Mathematics	95.23%	No			69.31%	78.07%	78.07%
		6 Reading	93.12%	No			57.28%	58.54%	58.54%
		7 Mathematics	95.50%	No			65.05%	53.66%	53.66%
		7 Reading	92.83%	No			50.45%	57.30%	57.30%
		8 Mathematics	95.25%	No			67.86%	51.69%	51.69%
		8 Reading	92.64%	No			42.59%	46.88%	46.88%
		HS Mathematics	94.82%	No			67.27%	60.42%	60.42%
		HS Reading	91.22%	No			67.74%	60.98%	60.98%
			93.17%	No			63.83%	67.95%	67.95%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.42	Yes	Data meets the State's target. No required action.		0.00	1.15
4B	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	0.00
	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.		0.00	0.00
		Asian	< 2.0	0.00	Yes			0.00	0.00
		Black or African American	< 2.0	0.74	Yes			0.00	0.96
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00	0.00
		White	< 2.0	0.93	Yes			0.00	1.04
		2 or more races	< 2.0	3.76*	Yes			0.00	0.00
		Hispanic	< 2.0	5.68*	Yes			0.00	0.00
	Discrepancy exists in the category	Policies/ procedures/ practices contribute to the discrepancy.	No	No	Yes			NA	NA
	N size is < 30*								
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 63.11%	56.65%	No	Data does not meet the State's target. Implement improvement activities.		55.01%	55.74%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.11%	9.54%	Yes	Data meets the State's target. No required action.		8.69%	7.31%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.22%	6.09%	Yes	Data meets the State's target. No required action.		6.33%	6.54%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥ 64.1%	70.04%	Yes	Data meets the State's target. No required action.		Δ	65.94%
6B	Aged 3-5 LRE: Separate School or Class		≤ 19.1%	12.84%	Yes	Data meets the State's target. No required action.		Δ	20.96%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	≥ 68.3%	78.3%	Yes	Data meets the State's targets for 7A1 and 7A2. No required actions.		59.5%	63.64%
		2. Exits within age expectations	≥ 73.5%	76.9%	Yes			66.0%	71.88%

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators								
SPP/APR Indicators			FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met		FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. exits within age expectations	≥ 68.6%	69.7%	Yes	Data meets the State's targets for 7B1 and 7B2. No required actions.	71.7%	70.18%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	≥ 59.3%	69.2%	Yes	Data meets the State's targets for 7C1 and 7C2. No required actions.	54.0%	51.56%
8A	Parent Survey	Age 3-5 Age 6-21	≥ 63.7%	76.7%	Yes	Data meets the State target for 3-5 and 6-21.	48.6%	58.82%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Age 3-5	≥ 66.2%	76.9%	Yes		58.0%	67.19%
		Age 6-21	40.0%	54.0%	Yes		68%	42%
		Amer Indian/Alaska Native	38.0%	45.0%	Yes		37%	55%
		Asian	< 2.0	1.20	Yes	No significant disproportionate representation. No required action.	1.02	0.80
		Black, African American	< 2.0	0.52	Yes		0.27	0.34
		Native Haw/Pacific Islander	< 2.0	1.67	Yes		1.86	1.87
		White	< 2.0	0.85	Yes		0.00	0.00
		2 or more races	< 2.0	0.66	Yes		0.69	0.68
		Hispanic	< 2.0	0.63	Yes		0.60	0.65
		Disproportionate representation is due to inappropriate identification	< 2.0	1.10	Yes		0.88	0.86
Indicator 10 on last page							No (0%)	No (0%)0.00
Indicator 10 on last page								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.57%	No	Compliant. Data verified. No required action.	98.99%	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. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	97.8%	No	Compliant. Data verified. No required action.	100%	< 100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action	
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.92	7.27*	0.00	0.00	3.33*	The MSDE staff will schedule a record review of children in the race category, using Section 12 of the <i>Special Education Record Review</i> document.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.26	0.00	0.75	1.85	0.23	
		Black/African American	1.50	2.55	1.27	1.30	0.95	1.65	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	4.71*	
		White	0.82	0.49	0.86	0.68	0.97	0.75	
		2 or more races	0.26	0.40	0.94	1.02	0.52	0.65	
	Disproportionate representation exists	Hispanic	1.38	0.95	1.20	1.41	0.90	0.89	
	N size is < 30*	Disproportionate representation is due to inappropriate identification							

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	1.62	0.00	0.00	0.00	1.58	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.13	0.00	0.52	1.16	0.25	
		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 exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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- Whether data submitted by public agencies are valid, reliable (accurate), and timely;
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- Any audit findings.

In addition, states should also consider:

- Performance on Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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.

March 19, 2014

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

Dear Dr. Mumin:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Caroline County Public Schools (CCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of "**Meets Requirements.**"

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

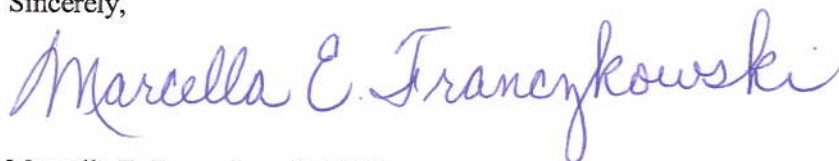
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Mumin
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Elizabeth Anthony
Branch Chiefs



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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	61.11%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	50.00%
		5 year cohort	≥ 84.4%	64.71%	No			^	53.06%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	≤3.00%	Yes	Data meets the State target. No required action.		4.12%	4.12%
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.		^	Met
		AMO for Mathematics	Meets	Met	Yes			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	57.14%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		54.76%	64.71%
		Reading	94.55%	59.18%	No			50.00%	66.67%
		4 Mathematics	95.19%	72.55%	No			73.81%	53.19%
		Reading	96.15%	74.51%	No			69.05%	56.25%
		5 Mathematics	94.13%	38.46%	No			35.90%	48.78%
		Reading	95.23%	55.77%	No			58.97%	60.98%
		6 Mathematics	93.12%	48.78%	No			53.57%	64.86%
		Reading	95.50%	41.46%	No			57.14%	56.76%
		7 Mathematics	92.83%	56.10%	No			55.88%	89.29%
		Reading	95.25%	60.98%	No			64.71%	57.14%
		8 Mathematics	92.64%	65.38%	No			50.00%	52.94%
		Reading	94.82%	61.54%	No			52.78%	47.06%
		HS Mathematics	91.22%	45.95%	No			56.82%	52.78%
		Reading	93.17%	47.22%	No			51.16%	52.94%

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

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	1.83	Yes	Data meets the State's target. No required action.	0.00	1.22
	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	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	No significant discrepancy. No required action.	0.00	0.00
		Asian	0.00	Yes		0.00	0.00
		Black or African American	2.67*	Yes		0.00	6.07*
		Native Haw/Pacific Islander	0.00	Yes		0.00	0.00
		White	1.28	Yes		0.00	0.00
		2 or more races	0.00	Yes		0.00	0.00
		Hispanic	8.51*	Yes		0.00	0.00
	Discrepancy exists in the category	Policies/ procedures/ practices contribute to the discrepancy.					
	N size is < 30*	No	No	Yes		NA	NA
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	84.51%	Yes	Data meets the State's target. No required action.	83.03%	83.69%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	10.00%	Yes	Data meets the State's target. No required action.	11.66%	9.71%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	1.76%	Yes	Data meets the State's target. No required action.	1.84%	2.33%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	81.94%	Yes	Data meets the State's target. No required action.	Δ	87.69%
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	4.17%	Yes	Data meets the State's target. No required action.	Δ	1.54%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	77.8%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	85.7%	80.0%
		2. Exits within age expectations	87.5%	Yes		73.5%	88.0%

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator  Compliance Indicator 				State Target	Local Results	Target Met			FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. exits within age expectations		≥ 68.6%	81.8%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.		82.1%	70.59%
				≥ 59.3%	75.0%	Yes			64.7%	80.00%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations		≥ 63.7%	66.7%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.		72.7%	66.67%
				≥ 66.2%	75.0%	Yes			73.5%	84.00%
8A	Parent Survey			40.0%	N/A	N/A	Data meets the State's target.		57%	60.00%
				38.0%	49%	Yes			60%	61.00%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Disproportionate representation is due to inappropriate identification		< 2.0	2.49*	Yes	No significant disproportionate representation. No required action.		1.14	1.49
				< 2.0	0.90	Yes			0.29	0.62
				< 2.0	1.16	Yes			1.50	1.41
				< 2.0	0.00	Yes			3.29*	0.00
				< 2.0	1.00	Yes			0.95	0.88
				< 2.0	0.98	Yes			1.18	1.06
				< 2.0	0.66	Yes			0.49	0.65
				No (0%)	No (0%)	Yes			No (0%)	No (0%)
Indicator 10 on last page										
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days			100%	98.66%	No	Substantially compliant. Data verified. No required action.		98.63%	93.13%
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. No required action. .		100%	100%

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
 Results Indicator	 Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements		100%	99.0%	No	Substantially compliant. Data verified. No required action.		100%	96.4%
15	Timely correction of noncompliance		100%	100%	Yes	Compliant. No required action.		Compliant	100%
20	State reported data are timely and accurate		100%	100%	Yes	Compliant. No required action.		100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div> <div></div> Compliance Indicator </div>								
10	FFY 2012 results:	American Indian/Alaska Native	0.00	8.22*	0.00	0.00	0.00	Disproportionate representation does not exist. No action is required
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.00	4.51*	2.19*	0.00	
		Black/African American	2.45*	1.22	0.69	1.03	1.22	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	
		White	0.53	1.04	0.89	1.12	1.03	
		2 or more races	0.43	0.85	0.00	0.89	1.14	
		Hispanic	1.06	0.85	0.81	0.20	1.01	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div> <div></div> Compliance Indicator </div>								
10	FFY 2011 results:	American Indian/Alaska Native	0.00	4.37*	0.00	0.00	0.00	
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.00	0.00	2.54*	0.00	
		Black/African American	2.69*	1.42	2.00*	0.94	1.52	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	
		White	0.47	0.97	0.86	1.03	0.76	
		2 or more races	0.34	0.98	1.08	0.82	2.19*	
		Hispanic	1.08	0.72	0.31	0.40	0.86	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

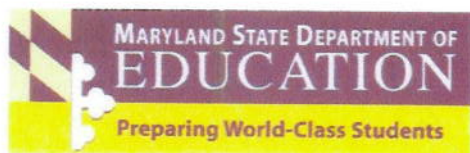
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

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

Dear Mr. Guthrie:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Carroll County Public Schools (CCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of "**Meets Requirements.**"

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
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As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

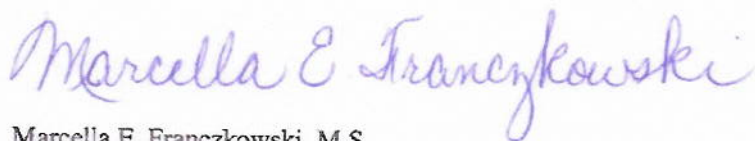
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Mr. Guthrie
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Russell Gray
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	77.25%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	76.56%
		5 year cohort	≥ 84.4%	78.95%	No			^	76.92%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	≤ 3.00%	Yes	Data meets the State's target. No required action.		<3.00%	≤ 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 <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	61.97%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		65.42%	71.61%
		Reading	94.55%	67.95%	No			64.58%	73.84%
		4 Mathematics	95.19%	75.51%	No			76.01%	70.71%
		Reading	96.15%	72.43%	No			82.66%	74.06%
		5 Mathematics	94.13%	60.00%	No			60.91%	64.96%
		Reading	95.23%	71.06%	No			77.18%	83.94%
		6 Mathematics	93.12%	59.22%	No			62.95%	66.26%
		Reading	95.50%	62.85%	No			68.13%	65.71%
		7 Mathematics	92.83%	46.72%	No			48.33%	57.02%
		Reading	95.25%	61.84%	No			69.04%	68.56%
		8 Mathematics	92.64%	39.30%	No			35.71%	40.25%
		Reading	94.82%	60.50%	No			59.13%	62.87%
		HS Mathematics	91.22%	70.35%	No			61.16%	59.59%
		Reading	93.17%	63.53%	No			54.09%	60.31%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	4.39*	Yes	Data meets the State's target. No required action.		0.00	1.77	
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	3.30*	Yes	Data meets the State's target. No required action.		0.00	1.24	
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	Data meets the State's target. No required action.		0.00	0.00	
		Asian	0.00	Yes			0.00	0.00	
		Black or African American	6.21*	Yes			0.00	2.08**	
		Native Haw/Pacific Islander	0.00	Yes			0.00	0.00	
		White	3.77*	Yes			0.00	1.50	
		2 or more races	0.00	Yes			0.00	0.00	
		Hispanic	0.00	Yes			0.00	0.00	
		Policies/ procedures/ practices contribute to the discrepancy.	No	Yes			NA	NA	
	N size is < 30*								
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	78.71%	Yes	Data meets the State's target. No required action.		75.22%	76.14%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	5.90%	Yes	Data meets the State's target. No required action.		8.48%	7.07%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	3.51%	Yes	Data meets the State's target. No required action.		4.15%	3.53%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	54.50%	No	Data does not meet the State's target. Improvement Plan required.		Δ	43.29%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	21.80%	No	Data does not meet the State's target. Improvement Plan required.		Δ	21.64%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	61.2%	No	Data does not meet the State's target in category 7A1. Improvement Plan required. Data meets the State's target in category 7A2. No required action.		66.6%	No data submitted	
		2. Exits within age expectations	75.3%	Yes			83.3%	No data submitted	

Δ Data not required to be submitted to OSEP.

FFY 2011 (SFY 2012) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator		Compliance Indicator		State Target	Local Results	Target Met		FFY 2010	FFY 2011	
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth		≥ 68.6%	71.2%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	55.5%	No data submitted	
		2. Exits within age expectations		≥ 59.3%	66.3%	Yes		66.7%	No data submitted	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth		≥ 63.7%	57.7%	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.	66.7%	No data submitted	
		2. Exits within age expectations		≥ 66.2%	73.0%	Yes		75.0%	No data submitted	
8A	Parent Survey	Age 3-5		40.0%	57.0%	Yes	Data meets the State's target in 3-5 and 6-21. No required action.	42%	47%	
		Age 6-21		38.0%	45.0%	Yes		51%	41%	
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native		< 2.0	1.82	Yes	No significant disproportionate. Representation. No required action.	1.33	1.40	
		Asian		< 2.0	0.48	Yes		0.44	0.52	
		Black, African American		< 2.0	1.67	Yes		1.90	1.78	
		Native Haw/Pacific Islander		< 2.0	0.32	Yes		0.00	0.00	
		White		< 2.0	0.70	Yes		0.63	0.88	
		2 or more races		< 2.0	1.08	Yes		0.91	1.00	
		Hispanic		< 2.0	0.84	Yes		0.80	0.83	
		Disproportionate representation is due to inappropriate identification		No (0%)	No (0%)	Yes		No (0%)	No (0%)	
		N size is < 30*								
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. No required action.	97.77%	98.90%	
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. No required action.	96.15%	100%	

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements		100%	100%	Yes		Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance		100%	100%	Yes		Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate		100%	100%	Yes		Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	1.83	1.98	0.53	1.97	2.39*	No significant disproportionate representation exists. No action required.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.81	0.18	0.00	0.72	0.82	0.40	
		Black/African American	2.46*	1.83	1.69	1.57	0.98	1.76	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.46	0.65	0.69	0.72	1.21	0.67	
		2 or more races	1.13	0.94	1.07	1.47	1.29	0.85	
		Hispanic	0.60	0.98	1.10	0.69	0.57	0.91	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	0.95	1.81	1.45	1.68	0.79	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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.



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

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

March 19, 2014

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

Dear Dr. Devine:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Cecil County Public Schools (CCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of "Meets Requirements."

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

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Dr. Devine
March 19, 2014
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Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Sarah J. Farr
Branch Chiefs

Cecil County Public Schools
Annual Data on SPP/APR Part B Indicators
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		5 year cohort	≥ 84.4%	58.04%	No			^	50.75%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	7.00%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		6.89%	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 <i>Master Plan</i> Improvement Strategies.		^	Not Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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 Reading	95.22%	39.33%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		54.55%	61.90%
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		5 Mathematics Reading	95.19%	50.87%	No			66.87%	63.95%
		6 Mathematics Reading	96.15%	66.86%	No			80.37%	75.58%
		7 Mathematics Reading	94.13%	34.41%	No			55.03%	55.36%
		8 Mathematics Reading	95.23%	51.08%	No			69.13%	74.40%
		HS Mathematics Reading	93.12%	21.12%	No			45.00%	47.10%
			95.50%	51.88%	No			69.38%	51.92%
			92.83%	23.38%	No			43.75%	45.03%
			95.25%	40.13%	No			50.94%	39.86%
			92.64%	18.42%	No			29.45%	32.00%
			94.82%	35.10%	No			53.42%	38.67%
			91.22%	58.25%	No			57.03%	56.86%
			93.17%	42.71%	No			49.58%	47.00%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	0.95	Yes	Data meets the State's target. No required action.		0.00	0.28
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	1.14	Yes	Data meets the State's target. No required action.		0.00	1.49
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.		0.00	0.00
		Asian	< 2.0	0.00	Yes			0.00	0.00
		Black or African American	< 2.0	0.99	Yes			0.00	2.18
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00	0.00
		White	< 2.0	0.95	Yes			0.00	0.71
		2 or more races	< 2.0	0.00	Yes			0.00	0.00
		Hispanic	< 2.0	2.81*	Yes			0.00	0.00
	Discrepancy exists in the category	Policies/ procedures/ practices contribute to the discrepancy.	No	No	Yes			No	No
	N size is < 30*								
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 63.11%	87.84%	Yes	Data meets the State's target. No required action.		90.29%	88.72%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.11%	3.56%	Yes	Data meets the State's target. No required action.		1.77%	3.20%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.22%	3.89%	Yes	Data meets the State's target. No required action.		4.44%	4.42%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥ 64.1%	88.07%	Yes	Data meets the State's target. No required action.		Δ	89.45%
6B	Aged 3-5 LRE: Separate School or Class		≤ 19.1%	1.75%	Yes	Data meets the State's target. No required action.		Δ	0.39%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	≥ 68.3%	62.3%	No	Data does not meet the State's target in categories 7A1 and 7A2. Improvement Plan required.		46.8%	74.60%
		2. Exits within age expectations	≥ 73.5%	62.3%	No			61.2%	69.52%

Δ Data not required to be submitted to OSEP.

Y 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011		
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. Exits within age expectations	≥ 68.6%	49.4%	No	Data does not meet the State's target in categories 7B1 and 7B2. Improvement Plan required.		45.2%	65.79%	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	≥ 63.7%	42.9%	No	Data does not meet the State's target in categories 7C1 and 7C2. Improvement Plan required.		44.4%	55.74%	
8A	Parent Survey	Age 3-5 Age 6-21	40.0%	50.0%	Yes	Data meets the State's target in 3-5 and 6-21. No required action.		42%	67%	
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native	< 2.0	1.16	Yes	No significant disproportionate representation. No required action.		0.33	0.95	
		Asian	< 2.0	0.35	Yes			0.26	0.17	
		Black, African American	< 2.0	1.21	Yes			1.37	1.27	
		Native Haw/Pacific Islander	< 2.0	0.40	Yes			0.00	0.42	
		White	< 2.0	0.98	Yes			0.85	0.96	
		2 or more races	< 2.0	0.86	Yes			0.81	0.85	
		Hispanic	< 2.0	0.98	Yes			1.12	1.14	
		Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Yes			NA	NA	
		Disproportionate representation exits in the category								
		N size is < 30*								
Indicator 10 on last page										
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	99.15%	No	Substantially compliant. Data verified. No required action.		98.75%	99.40%		
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	94%	No	First quarter data compliant. Data verified. No required action.		100%	100%		

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	80.0%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Non-compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.00	5.39*	2.26*	0.00	2.59*	No significant disproportionate representation exists. No required action.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.14	0.00	1.44	1.00	0.00	
		Black/African American	2.62*	1.19	3.47*	0.75	0.94	1.11	
		Native Hawaiian/Pacific Islander	0.00	0.99	0.00	0.00	0.00	0.00	
		White	0.55	1.03	0.36	1.15	1.25	1.14	
		2 or more races	0.00	0.57	1.14	0.61	0.77	1.77	
		Hispanic	1.00	1.16	0.57	1.09	0.70	0.70	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	0.45	2.30*	2.44*	0.00	1.17	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

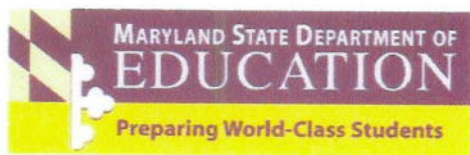
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Dr. Kimberly Hill
Superintendent
Charles County Public Schools
P.O. Box 2770
LaPlata, MD 20646

Dear Dr. Hill:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Charles County Public Schools (CCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the CCPS has achieved the determination status of "Meets Requirements."

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

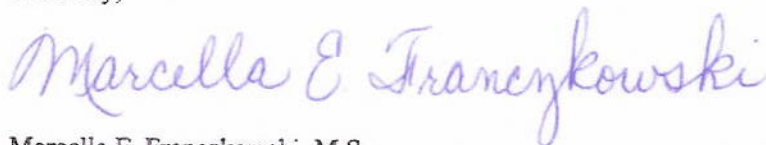
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Hill
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Arden Sotomayor
Branch Chiefs


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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	66.2%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	64.91%
		5 year cohort	≥ 84.4%	76.19%	No			^	71.79%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	≤3.00%	Yes	Data meets the State's target. No required action.		3.41%	3.41%
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 <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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 Reading	95.22%	41.72%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		51.98%	53.61%
		4 Mathematics Reading	94.55%	47.33%	No			55.06%	65.27%
		5 Mathematics Reading	95.19%	54.82%	No			65.88%	60.20%
		6 Mathematics Reading	96.15%	61.68%	No			71.76%	61.50%
		7 Mathematics Reading	94.13%	41.83%	No			51.20%	59.55%
		8 Mathematics Reading	95.23%	54.11%	No			64.02%	70.39%
		9 Mathematics Reading	93.12%	41.62%	No			60.69%	56.40%
		10 Mathematics Reading	95.50%	37.57%	No			63.16%	61.63%
		11 Mathematics Reading	92.83%	39.23%	No			47.51%	52.30%
		12 Mathematics Reading	95.25%	40.88%	No			49.45%	59.20%
		13 Mathematics Reading	92.64%	29.31%	No			45.75%	40.96%
		14 Mathematics Reading	94.82%	36.00%	No			59.33%	51.34%
		HS Mathematics Reading	91.22%	53.90%	No			54.13%	57.79%
		HS Mathematics Reading	93.17%	54.49%	No			64.76%	71.81%

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

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	0.57	Yes	Data meets the State's target. No required action.	0.00	0.30
4B	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	0.41
	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	< 2.0	0.00	Yes	No significant discrepancy. No action required.	0.00	0.00
	Amer Indian/Alaska Native	< 2.0	0.00	Yes		0.00	1.98
	Asian	< 2.0	0.00	Yes		0.00	0.33
	Black or African American	< 2.0	0.82	Yes		0.00	0.00
	Native Haw/Pacific Islander	< 2.0	0.00	Yes		0.00	0.22
	White	< 2.0	0.00	Yes		0.00	0.00
	2 or more races	< 2.0	0.00	Yes		0.00	0.00
	Hispanic	< 2.0	0.00	Yes		0.00	0.85
	Discrepancy exists in the category	No	No	Yes		No	No
	N size is < 30*						
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	68.12%	Yes	Data meets the State's target. No required action.	64.73%	68.53%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	13.90%	Yes	Data meets the State's target. No required action.	18.38%	14.67%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	2.59%	Yes	Data meets the State's target. No required action.	2.84%	2.50%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	81.33%	Yes	Data meets the State's target. No required action.	Δ	83.01%
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	10.76%	Yes	Data meets the State's target. No required action.	Δ	8.17%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.0%	Yes	Data meets the State's target. No required action.	64.3%	59.26%
		2. Exits within age expectations	91.7%	Yes		63.4%	48.65%

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator  Compliance Indicator				State Target	Local Results	Target Met			FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. exits within age expectations		≥ 68.6%	70.0%	Yes	Data meets the State's target. No required action.		50.00%	65.6%
				≥ 59.3%	75.0%	Yes			32.43%	53.6%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations		≥ 63.7%	100%	Yes	Data meets the State's target. No required action.		46.67%	75.0%
				≥ 66.2%	100%	Yes			43.24%	56.1%
8A	Parent Survey	Age 3-5 Age 6-21		40.0%	37.0%	No	Data meets the State target for 6-21 but not 3-5. Improvement activities required.		42%	36%
				38.0%	42.0%	Yes			45%	42%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native Asian Black, African American Native Haw/Pacific Islander White 2 or more races Hispanic		< 2.0	1.10	Yes	No significant disproportionate representation. No required action.		1.07	0.66
				< 2.0	0.51	Yes			0.57	0.59
				< 2.0	1.28	Yes			0.31	1.25
				< 2.0	0.50	Yes			0.00	0.00
				< 2.0	0.98	Yes			0.99	1.02
				< 2.0	0.92	Yes			0.90	0.83
				< 2.0	0.76	Yes			0.78	0.68
				No (0%)	No (0%)	Yes			No	No
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. 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. No required action.		100%	100%

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	96.0%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	< 100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	1.64	0.00	0.34	1.91	1.66	No significant disproportionate representation exists. No action required.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.51	0.24	0.00	0.77	1.32	0.46	
		Black/African American	1.88	1.79	1.09	1.04	0.79	1.48	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	2.00*	0.00	0.00	
		White	1.01	0.72	1.52	1.08	1.13	0.90	
		2 or more races	0.41	0.57	1.02	1.20	0.89	1.12	
		Hispanic	0.13	0.93	0.43	0.77	1.02	0.58	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	1.18	1.49	0.97	0.27	1.69	0.86	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

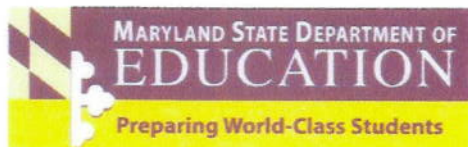
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

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

Dear Dr. Wagner:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Dorchester County Board of Education (DCBOE). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the DCBOE has achieved the determination status of **"Meets Requirements."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

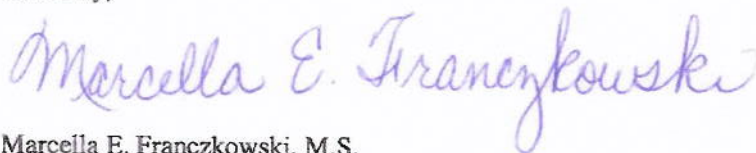
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Wagner
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Angela McPeake Gebert
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	36.36%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	46.15%
		5 year cohort	≥ 84.4%	41.18%	No			^	57.50%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	3.03%	Yes	Data meets the State's target. No required action.		<3.00%	≤ 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 <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Not Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	40.91%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		58.33%	39.39%
		Reading	94.55%	45.45%	No			76.00%	42.42%
		4 Mathematics	95.19%	35.14%	No			70.59%	48.57%
		Reading	96.15%	48.65%	No			61.76%	62.86%
		5 Mathematics	94.13%	54.84%	No			64.29%	54.29%
		Reading	95.23%	74.19%	No			67.86%	68.57%
		6 Mathematics	93.12%	34.48%	No			50.00%	48.15%
		Reading	95.50%	55.17%	No			50.00%	69.23%
		7 Mathematics	92.83%	50.00%	No			52.00%	44.00%
		Reading	95.25%	37.50%	No			56.00%	52.00%
		8 Mathematics	92.64%	33.33%	No			32.00%	41.67%
		Reading	94.82%	47.83%	No			50.00%	41.67%
		HS Mathematics	91.22%	25.00%	No			44.83%	31.82%
		Reading	93.17%	23.08%	No			28.57%	23.81%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators				FFY 2012		Action Required	Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2010		FFY 2011		
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled	< 2.0	0.00	Yes	Data meets the State’s target. No required action.	0.00	0.00		
4B	Single suspensions (> 10 days): Disabled vs. nondisabled	< 2.0	2.48*	Yes	Data meets the State’s target. No required action.	0.00	0.00		
	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	No significant discrepancy. No required action.	0.00	0.00		
		Asian	0.00	Yes		0.00	0.00		
		Black or African American	1.53	Yes		0.00	0.00		
		Native Haw/Pacific Islander	0.00	Yes		0.00	0.00		
		White	0.27	Yes		0.00	0.00		
		2 or more races	0.00	Yes		0.00	0.00		
		Hispanic	0.00	Yes		0.00	0.00		
Discrepancy exists in the category	No	No	Yes		No	No			
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	77.72%	Yes	Data meets the State’s target. No required action.	74.14%	75.73%		
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	2.65%	Yes	Data meets the State’s target. No required action.	2.11%	2.93%		
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	1.33%	Yes	Data meets the State’s target. No required action.	1.05%	1.33%		
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	68.75%	Yes	Data meets the State’s target. No required action.	Δ	92.86%		
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	0.00%	Yes	Data meets the State’s target. No required action.	Δ	2.38%		
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	100%	Yes	Data meets the State’s target in category 7A1 and 7A2. No required action.	Not reported	60.0%		
		2. Exits within age expectations	100%	Yes		Not reported	62.50%		

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators			Action Required			Previous Results	
Results Indicator	Compliance Indicator	FFY 2012				FFY 2010	FFY 2011
		State Target	Local Results	Target Met			
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	≥ 68.6%	100%	Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	Not reported
		2. exits within age expectations	≥ 59.3%	100%	Yes		Not reported
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	≥ 63.7%	100%	Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	Not reported
		2. Exits within age expectations	≥ 66.2%	100%	Yes		Not reported
8A	Parent Survey	Age 3-5	40.0%	N/A	N/A	Data meets the State's target in 6-21. No required action.	67%
		Age 6-21	38.0%	45.0%	Yes		46%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native	< 2.0	1.58	Yes	No significant disproportionate representation. No required action.	0.93
		Asian	< 2.0	0.27	Yes		0.24
		Black, African American	< 2.0	1.53	Yes		1.38
		Native Haw/Pacific Islander	< 2.0	5.55*	Yes		0.00
		White	< 2.0	0.84	Yes		0.96
		2 or more races	< 2.0	0.81	Yes		0.81
		Hispanic	< 2.0	0.80	Yes		0.77
		Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Yes		No
		N size is < 30*					
		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. No required action.	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. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Compliance Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	98.63%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.00	21.32*	0.00	0.00	0.00	No significant disproportionate representation exists. No required action.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.00	0.00	0.00	2.30*	0.00	
		Black/African American	1.70	1.59	1.97	1.76	0.98	1.21	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	27.18*	0.00	0.00	
		White	0.86	0.85	0.98	0.89	0.53	0.98	
		2 or more races	1.40	0.40	0.00	0.51	1.68	1.24	
		Hispanic	0.58	1.10	0.00	0.43	1.56	1.10	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	2.51*	0.00	0.00	0.00	0.00	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification	0.00	2.51*	0.00	0.00	0.00	0.00	
	N size is < 30*								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

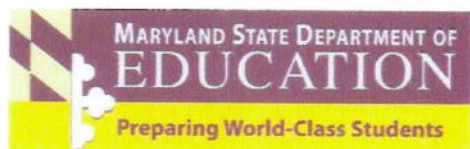
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Dr. Theresa R. Alban
Superintendent
Frederick County Public Schools
191 South East Street
Frederick, MD 21701

Dear Dr. Alban:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Frederick County Public Schools (FCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the FCPS has achieved the determination status of "Meets Requirements."

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

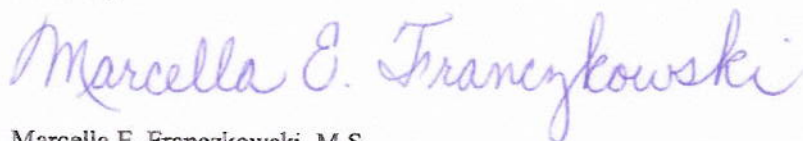
¹ The SED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Alban
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the FCPS 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Daniel Martz
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	65.0%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		Λ	72.28%
		5 year cohort	≥ 84.4%	76.28%	No			Λ	75.57%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	≤ 3.00%	Yes	Data meets the State's target. No required action.		< 3.00%	≤ 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. Continue to implement <i>Master Plan</i> Improvement Strategies.		Λ	Not Met
		AMO for Mathematics	Meets	Not Met	No			Λ	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	53.43%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		69.02%	65.67%
		Reading	94.55%	68.48%	No			79.75%	75.00%
		4 Mathematics	95.19%	62.61%	No			73.39%	73.50%
		Reading	96.15%	73.59%	No			79.82%	81.48%
		5 Mathematics	94.13%	51.25%	No			61.52%	72.78%
		Reading	95.23%	79.78%	No			80.34%	84.62%
		6 Mathematics	93.12%	48.94%	No			64.16%	68.15%
		Reading	95.50%	63.22%	No			65.36%	66.96%
		7 Mathematics	92.83%	43.52%	No			63.06%	72.05%
		Reading	95.25%	63.89%	No			71.97%	62.11%
		8 Mathematics	92.64%	31.52%	No			44.94%	45.85%
		Reading	94.82%	52.71%	No			68.25%	65.78%
		HS Mathematics	91.22%	57.41%	No			55.74%	57.35%
		Reading	93.17%	63.60%	No			52.67%	62.60%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	1.70	Yes	Data meets the State's target. No required action.		0.00	1.46	
4B	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	0.80	Yes	Data meets the State's target. No required action.		0.00	1.17	
	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	< 2.0	0.00	Yes	No significant discrepancy. No required action.		0.00	0.0	
	Amer Indian/Alaska Native	< 2.0	4.86*	Yes			0.00	0.0	
	Asian	< 2.0	3.34*	Yes			0.00	2.61*	
	Black or African American	< 2.0	0.00	Yes			0.00	0.0	
	Native Haw/Pacific Islander	< 2.0	0.68	Yes			0.00	1.13	
	White	< 2.0	0.00	Yes			0.00	2.46*	
	2 or more races	< 2.0	2.09*	Yes			0.00	0.60	
	Hispanic	< 2.0	No	Yes			No	No	
	Discrepancy exists in the category	No							
	N size is < 30*								
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	79.91%	Yes	Data meets the State's target. No required action.		79.28%	78.92%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	6.35%	Yes	Data meets the State's target. No required action.		6.08%	6.30%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	5.01%	Yes	Data meets the State's target. No required action.		4.53%	4.75%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	35.07%	No	Data does not meet State's target. Improvement Plan required.		Δ	56.21%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	20.88%	No	Data does not meet State's target. Improvement Plan required.		Δ	7.37%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	≥ 68.3%	75.5%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.		73.1%	64.12%	
	1. Exits with substantial growth 2. Exits within age expectations	≥ 73.5%	72.5%	Yes			75.5%	68.72%	

Δ Data not required to be reported to OSEP.

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required	Previous Results		
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met		FFY 2010	FFY 2011	
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. exits within age expectations	≥ 68.6% ≥ 59.3%	74.6% 64.3%	Yes Yes	Data meets the State's target in category 7B1 and 7B2. No required action.	74.8% 64.2%	70.63% 57.95%	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	≥ 63.7% ≥ 66.2%	72.7% 75.8%	Yes Yes	Data meets the State's target in category 7C1 and 7C2. No required action.	67.1% 71.7%	64.84% 70.77%	
8A	Parent Survey	Age 3-5 Age 6-21	40.0% 38.0%	60.0% 44.0%	Yes Yes	Data meets the State's target in 3-5 and 6-21. No required action.	48% 45%	47% 48%	
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native	< 2.0	1.13	Yes	No significant disproportionate representation exists. No required action.	1.02	1.06	
		Asian	< 2.0	0.36	Yes		0.39	0.38	
		Black, African American	< 2.0	1.69	Yes		1.58	1.68	
		Native Haw/Pacific Islander	< 2.0	1.50	Yes		1.62	1.01	
		White	< 2.0	0.76	Yes		0.78	0.76	
		2 or more races	< 2.0	0.91	Yes		0.89	0.84	
		Hispanic	< 2.0	0.77	Yes		0.82	0.77	
		Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Yes		No	No	
		Disproportionate representation exits in the category							
		N size is < 30*							
Indicator 10 on last page									
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	99.42%	No	Substantially Compliant. Data verified. No required action.	99.88%	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. No required action.	100%	100%	

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div style="background-color: #d9e1f2; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></div> Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	1.39	1.46	0.85	0.94	1.51	0.66	The MSDE staff will schedule a record review of children in the race category, using Section 12 of the <i>Special Education Record Review</i> document.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.56	0.17	0.20	0.53	0.70	0.24	
		Black/African American	1.99	2.06	2.33	1.60	1.25	1.45	
		Native Hawaiian/Pacific Islander	3.68*	0.43	4.52*	3.33*	0.00	1.76	
		White	0.63	0.59	0.65	0.78	0.98	0.94	
		2 or more races	0.43	0.89	1.23	0.64	0.92	1.12	
		Hispanic	0.78	0.93	0.34	0.80	0.72	0.66	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div style="background-color: #d9e1f2; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></div> Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.0	2.08**	0.91	0.32	1.17	0.39	
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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2. Dropout
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Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
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 - (i) Requires the public agency to prepare a corrective action plan or improvement plan if the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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.



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

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

March 19, 2014

Dr. Janet Wilson
Superintendent
Garrett County Board of Education
40 South Second Street
Oakland, MD 21550

Dear Dr. Wilson:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Garrett County Board of Education (GCBOE). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the GCBOE has achieved the determination status of "**Meets Requirements.**"

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

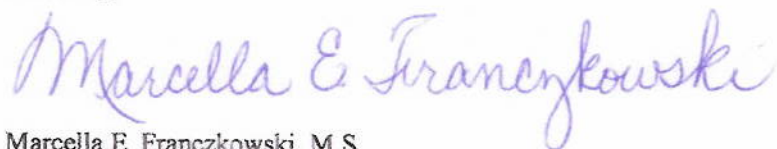
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Wilson
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Jennifer Kotulak
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	69.23%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	52.78%
2	Students with IEPs dropping out (Annual)	5 year cohort	≥ 84.4%	72.00%	No			^	50.00%
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 <i>Master Plan</i> Improvement Strategies.		^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA	AMO for Mathematics	Meets	Not Met	No			^	Met
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	≥ 95%	Met	Yes	Data meets the State's target. No required action.		> 95%	> 95%
		Mathematics	95.22%	67.86%	No			74.36%	78.38%
		Reading	94.55%	64.29%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		82.05%	70.27%
		4	95.19%	58.82%	No			75.76%	91.43%
		Reading	96.15%	85.29%	No			84.85%	71.43%
		5	94.13%	50.00%	No			55.26%	77.42%
		Reading	95.23%	75.00%	No			71.05%	54.84%
		6	93.12%	35.29%	No			50.00%	63.89%
		Reading	95.50%	70.59%	No			52.78%	44.44%
		7	92.83%	51.35%	No			57.89%	62.16%
		Reading	95.25%	58.33%	No			65.79%	63.89%
		8	92.64%	29.03%	No			56.41%	72.97%
		Reading	94.82%	46.67%	No			79.49%	40.54%
		HS	91.22%	40.74%	No			57.14%	55.81%
		Reading	93.17%	36.36%	No			58.06%	43.18%

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

FFY 2012 (SFY 2013) Part B Indicators							Previous Results	
SPP/APR Indicators		FFY 2012			Action Required		FFY 2010	FFY 2011
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met				
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	1.68	Yes	Data meets the State target. No required action.		0.00	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	0.00
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	No significant discrepancy. No required action.		0.00	0.00
		Asian	0.00	Yes			0.00	0.00
		Black or African American	0.00	Yes			0.00	0.00
		Native Haw/Pacific Islander	0.00	Yes			0.00	0.00
		White	1.45	Yes			0.00	0.00
		2 or more races	0.00	Yes			0.00	0.00
		Hispanic	0.00	Yes			0.00	0.00
	Discrepancy exists in the category	No	No	Yes			No	No
	N size is < 30*							
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	79.33%	Yes	Data meets the State target. No required action.		76.80%	81.99%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	8.27%	Yes	Data meets the State target. No required action.		9.74%	6.87%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	4.13%	Yes	Data meets the State target. No required action.		3.25%	4.74%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	84.31%	Yes	Data meets the State target. No required action.		Δ	77.97%
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	1.96%	Yes	Data meets the State target. No required action.		Δ	3.39%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	66.7%	No	Data does not meet the State's target in category 7A2. Improvement Plan required.		81.8%	71.43%
		2. Exits within age expectations	81.5%	Yes			83.3%	60.87%

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required	Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2010		FFY 2011		
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	≥ 68.6%	61.9%	No	Data does not meet the State's target in category 7B1. Improvement Plan required.	87.5%	70.59%	
		2. exits within age expectations	≥ 59.3%	59.3%	Yes		77.8%	52.17%	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	≥ 63.7%	60.0%	No	Data does not meet the State's target in category 7C1. Improvement Plan required.	75.0%	76.47%	
		2. Exits within age expectations	≥ 66.2%	77.8%	Yes		77.78%	60.87%	
8A	Parent Survey	Age 3-5	40.0%	N/A	N/A	Data does not meet the State target for age 6-21. Improvement plan required.	20%	67.00%	
		Age 6-21	38.0%	37.0%	No		30%	45.00%	
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	0.00	
		Asian	< 2.0	0.00	Yes		0.42	0.26	
		Black, African American	< 2.0	7.34*	Yes		0.42	2.53*	
		Native Haw/Pacific Islander	< 2.0	0.00	Yes		0.00	0.00	
		White	< 2.0	0.25	Yes		0.72	0.42	
		2 or more races	< 2.0	0.31	Yes		3.50*	0.60	
		Hispanic	< 2.0	0.24	Yes		3.73*	1.20	
	Disproportionate representation exits in the category	Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Yes	NA	NA	NA	
		N size is < 30*							
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. 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. No required action.	100%	100%	

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

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	The MSDE Staff will schedule a record review of children in the race category, using Section 12 of the <i>Special Education Record Review</i> document.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.00	0.00	0.00	0.00	0.00	
		Black/African American	0.00	0.00	14.38*	7.05*	0.00	29.13*	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	1.28	4.79	0.10	0.35	0.00	0.07	
		2 or more races	3.47*	1.38	0.14	0.00	0.00	0.31	
		Hispanic	4.56*	1.43	0.27	0.00	0.00	0.00	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination status and results will be posted, as required, on the *MSDE Public Website of State Performance Plan Results* at <http://mdidecareport.org> no later than June 14, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

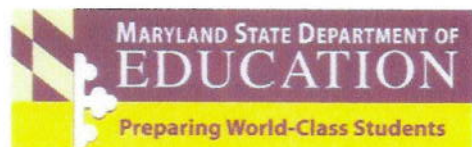
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Mrs. Barbara P. Canavan
Interim Superintendent
Harford County Public Schools
102 South Hickory Avenue
Bel Air, MD 21014-3731

Dear Mrs. Canavan:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Harford County Public Schools (HCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the HCPS has achieved the determination status of **"Needs Assistance."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

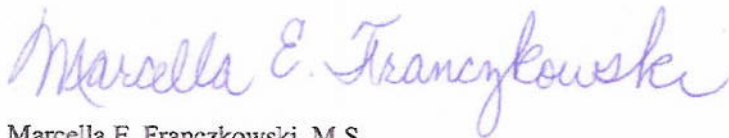
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Mrs. Canavan
March 19, 2014
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Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Anne-Marie Spakowski
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	63.79%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	63.26%
		5 year cohort	≥ 84.4%	68.11%	No			^	66.88%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	4.47%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		4.48%	4.48%
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 <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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 Reading	95.22%	57.02%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		62.11%	71.58%
		4 Mathematics Reading	94.55%	65.66%	No			69.47%	66.83%
		5 Mathematics Reading	95.19%	66.92%	No			69.83%	74.33%
		6 Mathematics Reading	96.15%	71.75%	No			76.06%	60.84%
		7 Mathematics Reading	95.22%	54.37%	No			56.22%	74.81%
		8 Mathematics Reading	95.23%	68.69%	No			73.50%	51.94%
		9 Mathematics Reading	93.12%	48.45%	No			64.16%	60.68%
		10 Mathematics Reading	95.50%	55.78%	No			56.99%	58.68%
		11 Mathematics Reading	92.83%	39.86%	No			45.81%	55.62%
		12 Mathematics Reading	95.25%	68.28%	No			62.33%	36.58%
		13 Mathematics Reading	92.64%	33.14%	No			33.33%	60.43%
		14 Mathematics Reading	94.82%	47.65%	No			58.97%	57.60%
		HS Mathematics Reading	91.22%	55.24%	No			53.96%	49.15%
			93.17%	47.88%	No			51.16%	64.75%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled	N size is < 30*	< 2.0	1.14	Yes	Data meets the State's target. No required action.		0.00	1.02
	Single suspensions (> 10 days): Disabled vs. nondisabled	N size is < 30*	< 2.0	0.36	Yes	Data meets the State's target. No required action.		0.00	0.23
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.		0.00	0.00
		Asian	< 2.0	0.00	Yes			0.00	0.00
		Black or African American	< 2.0	0.57	Yes			0.00	1.28
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00	0.00
		White	< 2.0	0.75	Yes			0.00	0.33
		2 or more races	< 2.0	1.78	Yes			0.00	0.88
		Hispanic	< 2.0	0.48	Yes			0.00	0.52
5A	Discrepancy exists in the category	Policies/ procedures/ practices contribute to the discrepancy.	No	No	Yes	Data meets the State's target. No required action.		No	No
		N size is < 30*							
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 63.11%	84.10%	Yes	Data meets the State's target. No required action.		83.90%	84.00%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.11%	3.17%	Yes	Data meets the State's target. No required action.		3.03%	2.78%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.22%	7.40%	No	Data does not meet the State's target. Improvement Plan required.		6.67%	7.23%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥ 64.1%	44.27%	No	Data does not meet the State's target. Improvement Plan required.		Δ	44.63%
6B	Aged 3-5 LRE: Separate School or Class		≤ 19.1%	24.84%	No	Data does not meet the State's target. Improvement Plan required.		Δ	22.78%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	≥ 68.3%	51.8%	No	Data does not meet the State's target in category 7A1 and 7A2. Improvement Plan required.		44.4%	No
		2. Exits within age expectations	≥ 73.5%	58.8%	No			57.8%	No

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met			FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	2. Exits within age expectations	≥ 68.6%	41.4%	No	Data does not meet the State's target in category 7B1 and 7B2. Improvement Plan required.		33.3%	40.00%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	2. Exits within age expectations	≥ 63.7%	40.6%	No	Data does not meet the State's target in category 7C1 and 7C2. Improvement Plan required.		42.1%	46.67%
8A	Parent Survey	Age 3-5		≥ 66.2%	56.1%	No	Data meets the State's target in 3-5 and 6-21.		28.6%	42.15%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Age 6-21		40.0%	43.0%	Yes	Data meets the State's target in 3-5 and 6-21.		48.4%	55.90%
		Amer Indian/Alaska Native		38.0%	40.0%	Yes	No significant disproportionate representation. No required action.		41%	49%
		Asian		< 2.0	1.40	Yes			36%	36%
		Black, African American		< 2.0	0.54	Yes			1.58	1.44
		Native Haw/Pacific Islander		< 2.0	1.40	Yes			0.47	0.51
		White		< 2.0	0.77	Yes			1.31	1.39
		2 or more races		< 2.0	0.88	Yes			0.75	0.87
		Hispanic		< 2.0	0.95	Yes			0.87	0.88
		Disproportionate representation is due to inappropriate identification		< 2.0	0.76	Yes			1.04	1.03
				No (0%)	No (0%)	Yes			No	No
Indicator 10 on last page										
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days			100%	98.77%	No	Substantially compliant. Data verified. No required action.		99.37%	99.58%
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. No required action.		100%	100%

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	1.45	1.17	1.77	2.30*	1.58	0.89	The MSDE staff will schedule a record review of children in the race category, using Section 12 of the <i>Special Education Record Review</i> document.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.57	0.21	0.26	1.05	1.68	0.32	
		Black/African American	2.42	1.57	1.63	1.16	0.79	1.49	
		Native Hawaiian/Pacific Islander	0.00	0.39	0.00	0.77	0.00	1.79	
		White	0.47	0.84	0.78	0.85	1.20	0.92	
		2 or more races	0.65	0.85	0.91	1.14	1.13	0.88	
		Hispanic	0.87	0.84	0.85	0.87	0.65	0.68	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	1.28	1.11	2.66	2.04	1.60	1.37	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

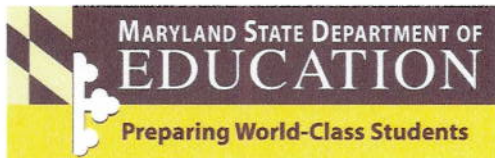
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Dr. Renee A. Foose
Superintendent
Howard County Public Schools
10910 Route 108
Ellicott City, MD 21042

Dear Dr. Foose:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Howard County Public Schools (HCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the HCPS has achieved the determination status of "**Meets Requirements.**"

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

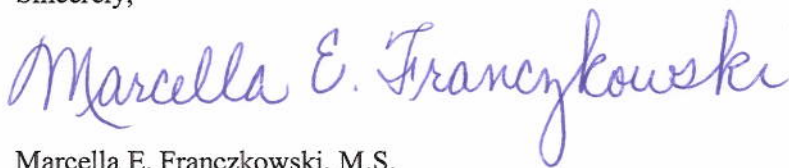
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Dr. Foose
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Patty Daley
Branch Chiefs

Howard County Public Schools
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		5 year cohort	≥ 84.4%	60.18%	No	^	70.59%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	3.21%	Yes	4.40%	4.40%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	Meets	Not Met	No	^	Not met
		AMO for Mathematics	Meets	Not Met	No	^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	Yes	≥ 95%	≥ 95%
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3 Mathematics	95.22%	61.66%	No	69.86%	71.11%
		Reading	94.55%	66.88%	No	71.28%	78.07%
		4 Mathematics	95.19%	67.41%	No	75.41%	81.52%
		Reading	96.15%	72.50%	No	75.08%	86.96%
		5 Mathematics	94.13%	57.50%	No	65.23%	76.79%
		Reading	95.23%	74.61%	No	73.54%	84.39%
		6 Mathematics	93.12%	47.32%	No	50.00%	69.20%
		Reading	95.50%	56.38%	No	65.15%	74.26%
		7 Mathematics	92.83%	48.62%	No	65.40%	66.90%
		Reading	95.25%	65.40%	No	70.09%	62.68%
		8 Mathematics	92.64%	37.07%	No	50.16%	57.06%
		Reading	94.82%	51.36%	No	66.67%	70.28%
		HS Mathematics	91.22%	65.20%	No	68.73%	63.60%
		Reading	93.17%	64.24%	No	62.25%	63.04%


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SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	1.61	Yes	Data meets the State's target. No required action.		0.00	1.01	
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	2.85*	Yes	Data meets the State's target. No required action.		0.00	3.83*	
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	0.00	Yes	No significant discrepancy. No required action.		0.00	0.00	
		Asian	0.00	Yes			0.00	0.00	
		Black or African American	5.42*	Yes			0.00	5.22*	
		Native Haw/Pacific Islander	0.00	Yes			0.00	0.00	
		White	0.84	Yes			0.00	1.51	
		2 or more races	0.00	Yes			0.00	3.18*	
		Hispanic	3.04*	Yes			0.00	1.87	
		Policies/procedures/practices contribute to the discrepancy.	No	Yes			NA	NA	
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	81.35%	Yes	Data meets the State's target. No required action.		78.72%	80.67%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	1.83%	Yes	Data meets the State's target. No required action.		4.02%	1.98%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	5.53%	Yes	Data meets the State's target. No required action.		5.05%	5.52%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	80.54%	Yes	Data meets the State's target. No required action.		Δ	83.51%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	1.14%	Yes	Data meets the State's target. No required action.		Δ	0.47%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth 2. Exits within age expectations	74.4%	Yes	Data meets the State's target in category 7A1. No required action. Data does not meet the State target in category 7A2. Improvement Plan required.		79.7%	73.86%	
			69.4%	No			70.2%	66.06%	

Δ Data not required to be submitted by OSEP.

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators			Action Required			Previous Results	
Results Indicator	Compliance Indicator		State Target	FFY 2012 Local Results	Target Met	FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	≥ 68.6%	72.1%	Yes	75.0%	73.96%
		2. Exits within age expectations	≥ 59.3%	57.7%	No	59.5%	57.80%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	≥ 63.7%	67.5%	Yes	70.3%	65.12%
		2. Exits within age expectations	≥ 66.2%	68.2%	Yes	61.9%	64.22%
8A	Parent Survey	Age 3-5	40.0%	56.0%	Yes	51%	53%
		Age 6-21	38.0%	43.0%	Yes	39%	38%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native	< 2.0	0.70	Yes	0.62	0.82
		Asian	< 2.0	0.40	Yes	0.38	0.39
		Black, African American	< 2.0	1.42	Yes	1.42	1.38
		Native Haw/Pacific Islander	< 2.0	0.54	Yes	1.12	0.73
		White	< 2.0	0.81	Yes	0.83	0.84
		2 or more races	< 2.0	0.81	Yes	0.79	0.78
		Hispanic	< 2.0	1.05	Yes	0.99	1.03
		Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Yes	No	No
		N size is < 30*					
Indicator 10 on last page							
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.26%	No	99.41%	98.10%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	100%	Yes	100%	100%

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Data is compliant. Data verified . No required action.	100%	< 100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
	Compliance Indicator								
10	FFY 2012 results:	American Indian/Alaska Native	2.23*	0.40	2.36*	0.58	0.00	0.73	Disproportionate representation does not exist. No action required.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.48	0.15	0.23	0.52	0.79	0.22	
		Black/African American	1.45	1.58	1.46	1.43	1.06	1.74	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	1.80	1.19	0.00	
		White	0.79	0.72	0.78	0.71	1.11	0.79	
		2 or more races	0.62	0.67	1.27	0.86	0.72	0.77	
		Hispanic	1.04	1.26	0.98	1.24	0.82	0.77	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

FFY 2011 (SFY 2012) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
	Compliance Indicator								
10	FFY 2011 results:	American Indian/Alaska Native	1.99	0.73	2.22	0.00	0.00	1.28	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

- 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

Compliance Indicators

- 1. Timely Services
- 7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
- 9. Correction of Noncompliance
- 14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

- 1. Graduation with a Diploma
- 2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

- 4. Suspension/Expulsion
- 9. Disproportionate Representation Disaggregated by Race/Ethnicity
- 10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
- 11. Initial Evaluation Timeline
- 12. Part C to B Transition
- 13. Secondary Transition
- 15. Timely Correction of Noncompliance
- 20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

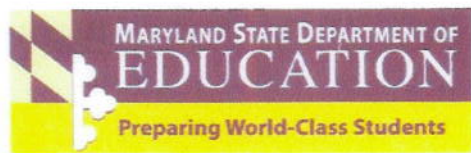
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Dr. Karen M. Couch
Superintendent
Kent County Public Schools
5608 Boundary Avenue
Rock Hall, MD 21661

Dear Dr. Couch:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Kent County Public Schools (KCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the KCPS has achieved the determination status of **"Meets Requirements."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

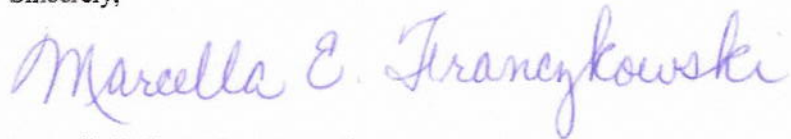
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Couch
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Laura Cochran
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	87.5%	Yes	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	76.00%
		5 year cohort	≥ 84.4%	90.91%	Yes			^	76.00%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	7.14%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		< 3.00%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	Meets	Met	Yes	Data meets the State target for reading but does not meet the State target for math. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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 Reading	95.22%	57.14%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		60.00%	38.89%
		4 Mathematics Reading	94.55%	60.71%	No			60.00%	72.22%
		5 Mathematics Reading	95.19%	60.87%	No			55.56%	70.59%
		6 Mathematics Reading	96.15%	78.26%	No			72.22%	82.35%
		7 Mathematics Reading	94.13%	47.37%	No			65.00%	68.18%
		8 Mathematics Reading	95.23%	73.68%	No			80.00%	81.82%
		9 Mathematics Reading	93.12%	45.00%	No			48.70%	73.33%
		10 Mathematics Reading	95.50%	55.00%	No			57.14%	80.00%
		11 Mathematics Reading	92.83%	29.41%	No			20.00%	15.00%
		12 Mathematics Reading	95.25%	70.59%	No			25.00%	50.00%
		13 Mathematics Reading	92.64%	23.08%	No			30.43%	33.33%
		14 Mathematics Reading	94.82%	60.00%	No			56.52%	55.56%
		15 Mathematics Reading	91.22%	31.03%	No			43.48%	61.54%
		HS Mathematics Reading	93.17%	37.93%	No			44.00%	46.15%

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

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	2.20*	Yes	Data meets the State's target. No required action.	0.00	1.02
4B	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	2.38*
	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	No significant discrepancy. No required action.	0.00	0.00
		Asian	0.00	Yes		0.00	0.00
		Black or African American	3.51*	Yes		0.00	3.83*
		Native Haw/Pacific Islander	0.00	Yes		0.00	0.00
		White	0.68	Yes		0.00	0.74
		2 or more races	0.00	Yes		0.00	0.00
		Hispanic	0.00	Yes		0.00	0.00
Discrepancy exists in the category N size is < 30*	No	No	Yes	No	No	No	
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	78.38%	Yes	Data meets the State's target. No required action.	79.45%	78.63%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	10.81%	Yes	Data meets the State's target. No required action.	8.90%	11.69%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	1.80%	Yes	Data meets the State's target. No required action.	2.05%	2.42%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	92.31%	Yes	Data meets the State's target. No required action.	Δ	100%
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	0.00%	Yes	Data meets the State's target. No required action.	Δ	0.00
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.0%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	50.0%	100%
		2. Exits within age expectations	75.0%	Yes		62.5%	100%

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators												
SPP/APR Indicators				FFY 2012			Action Required		Previous Results			
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met			FFY 2010	FFY 2011		
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	2. Exits within age expectations	≥ 68.6%	37.5%	No	Data does not meet the State's target in category 7B1 and 7B2. Implement improvement activities.		12.5%	100%		
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	2. Exits within age expectations	≥ 59.3%	25.0%	No			12.5%	80%		
8A	Parent Survey	Age 3-5		≥ 63.7%	40.0%	No		Data does not meet the State's target in category 7C1 and 7C2. Implement improvement activities.	25.0%	100%		
				≥ 66.2%	50.0%	No			62.5%	100%		
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Disproportionate representation is due to inappropriate identification	N size is < 30*	40.0%	N/A	N/A	Data does not meet the State target in 6-21. Improvement Plan required.	100%	80%			
				Age 6-21				38.0%	37.0%	No	27%	24%
				Amer Indian/Alaska Native				< 2.0	1.63	Yes	0.00	4.04*
				Asian				< 2.0	0.00	Yes	0.00	1.53
				Black, African American				< 2.0	2.14	No	0.00	1.88
				Native Haw/Pacific Islander				< 2.0	0.00	Yes	0.00	0.00
				White				< 2.0	0.80	Yes	0.00	0.68
				2 or more races				< 2.0	0.24	Yes	0.00	0.00
				Hispanic				< 2.0	0.56	Yes	0.00	0.39
Indicator 10 on last page												
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days			100%	95.74%	No	Substantially compliant. Data verified. 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. No required action.	100%	0.00*			

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	< 100%	No	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div> <div></div> Compliance Indicator </div>								
10	FFY 2012 results:	American Indian/Alaska Native	0.00	2.97*	0.00	0.00	0.00	The MSDE staff will schedule a record review of children in the race category, using Section 12 of the <i>Special Education Record Review</i> document.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.00	0.00	0.00	0.00	
		Black/African American	5.58*	2.47	3.37*	1.17	0.96	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	
		White	0.14	0.67	0.73	1.81	2.56*	
		2 or more races	0.00	0.15	0.00	0.93	0.00	
		Hispanic	1.32	0.61	0.00	0.00	0.00	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div> <div></div> Compliance Indicator </div>								
10	FFY 2011 results:	American Indian/Alaska Native	0.00	5.06*	36.05*	0.00	0.00	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	1.42	0.00	0.00	14.88*	
		Black/African American	11.07*	1.76	2.27*	2.72*	0.12	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	
		White	0.21	0.68	0.68	0.87	0.82	
		2 or more races	0.00	0.00	0.00	0.00	0.00	
		Hispanic	0.00	0.56	0.00	0.00	0.54	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

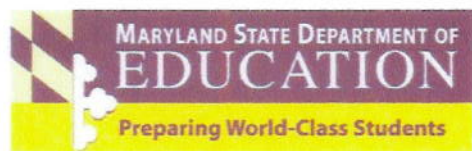
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Dr. Joshua P. Starr
Superintendent
Montgomery County Public Schools
850 Hungerford Drive
Rockville, MD 21661

Dear Dr. Starr:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Montgomery County Public Schools (MCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the MCPS has achieved the determination status of **"Meets Requirements."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

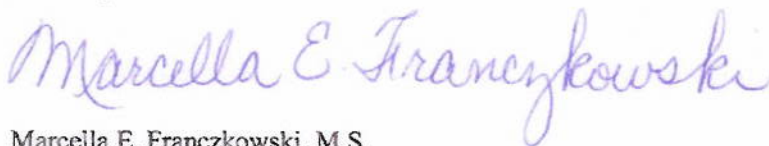
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Starr
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Gwendolyn J. Mason
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators				FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met		FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort		≥ 81.5%	62.78%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.	^	62.53%
		5 year cohort		≥ 84.4%	69.47%	No		^	69.88%
2	Students with IEPs dropping out (Annual)			≤ 3.27%	3.63%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.	3.57%	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 <i>Master Plan</i> Improvement Strategies.	^	Not met
		AMO for Mathematics		Meets	Not Met	No		^	Not met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA			≥ 95%	Met	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	95.22%	47.29%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.	66.64%	67.13%
			Reading	94.55%	63.40%	No		72.11%	74.30%
		4	Mathematics	95.19%	64.06%	No		69.45%	69.02%
			Reading	96.15%	72.29%	No		77.81%	76.52%
		5	Mathematics	94.13%	55.52%	No		67.24%	67.55%
			Reading	95.23%	73.96%	No		78.96%	79.26%
		6	Mathematics	93.12%	49.34%	No		61.36%	60.66%
			Reading	95.50%	65.01%	No		72.23%	69.60%
		7	Mathematics	92.83%	50.56%	No		60.25%	58.40%
			Reading	95.25%	70.55%	No		70.28%	69.47%
		8	Mathematics	92.64%	40.52%	No		44.49%	49.03%
			Reading	94.82%	61.29%	No		71.89%	67.78%
		HS	Mathematics	91.22%	60.33%	No		60.97%	62.32%
			Reading	93.17%	61.65%	No		60.90%	62.70%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required	Previous Results		
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met		FFY 2010	FFY 2011	
4A		Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	4.23	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.	2.43	3.47	
		Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	2.23	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.	2.70	3.56	
4B		Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	Significant discrepancy exists. A previous MSDE review of policies, procedures and practices do not contribute to the significant discrepancy. No required action.	0.00	15.27*	
			Asian	1.08	Yes		0.00	1.58	
			Black or African American	7.27	No		5.50	7.27	
			Native Haw/Pacific Islander	0.00	Yes		0.00	0.00	
			White	0.99	Yes		0.00	1.36	
			2 or more races	2.08*	Yes		0.00	1.57	
		Discrepancy exists in the category	Hispanic	2.32*	Yes		0.00	3.27	
5A		Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	67.49%	Yes	Data meets the State's target. No required action.	68.19%	67.58%	
5B		Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	13.13%	Yes	Data meets the State's target. No required action.	11.91%	12.15%	
5C		Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	5.68%	Yes	Data meets the State's target. No required action.	5.47%	6.07	
6A		Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	42.55%	No	Data does not meet State target. Implement improvement activities.	Δ	47.90%	
6B		Aged 3-5 LRE: Separate School or Class	≤ 19.1%	34.96%	No	Data does not meet State target. Implement improvement activities.	Δ	32.8%	
7A		Age 3-5 Outcomes: Use of social – emotional skills	≥ 68.3%	60.8%	No	Data does not meet the State target for 7A1 and 7A2. Improvement Plan required.	67.1%	80.04%	
			≥ 73.5%	58.4%	No		65.6%	77.16%	

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met			FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth		≥ 68.6%	69.9%	Yes	Data meets the State's target in category 7B1 but does not meet the target in category 7B2. Improvement Plan required.		72.0%	85.74%
		2. Exits within age expectations		≥ 59.3%	53.9%	No			53.6%	72.70%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth		≥ 63.7%	60.3%	No	Data does not meet the State target for 7C1 and 7C2. Improvement Plan required.		60.8%	76.32%
		2. Exits within age expectations		≥ 66.2%	57.7%	No			60.9%	72.97%
8A	Parent Survey	Age 3-5		40.0%	47.0%	Yes	Data meets the State's target in 3-5 and 6-21. No required action.		53%	47%
		Age 6-21		38.0%	42.0%	Yes			41%	43%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native		< 2.0	0.90	Yes	No significant disproportionate representation. No required action.		0.97	0.95
		Asian		< 2.0	0.45	Yes			0.43	0.44
		Black, African American		< 2.0	1.27	Yes			1.31	1.28
		Native Haw/Pacific Islander		< 2.0	0.50	Yes			0.56	0.44
		White		< 2.0	0.86	Yes			0.85	0.87
		2 or more races		< 2.0	0.78	Yes			0.77	0.75
		Hispanic		< 2.0	1.15	Yes			1.09	1.13
		Disproportionate representation is due to inappropriate identification		No (0%)	No (0%)	Yes			No (0%)	NA
		Disproportionate representation exits in the category								
		N size is < 30*								
Indicator 10 on last page										
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days			100%	96.44%	No	Substantially compliant. Data verified. No required action.		98.67%	99.49%
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday			100%	99.81%	No	Substantially compliant. Data verified. No required action.		99.74%	100%

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.83	1.43	0.70	1.18	1.07	The MSDE staff will schedule a record review of children in the race category, using Section 12 of the <i>Special Education Record Review</i> document.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.62	0.24	0.15	0.80	0.77	0.28	
		Black/African American	2.06	1.47	2.30	1.03	0.88	1.17	
		Native Hawaiian/Pacific Islander	0.00	0.72	0.00	0.81	0.00	0.62	
		White	0.50	0.64	0.71	0.82	1.48	1.16	
		2 or more races	0.79	0.69	0.62	0.82	0.88	0.90	
		Hispanic	1.08	1.63	0.45	1.54	0.53	0.71	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

FFY 2011 (SFY 2012) Part B Compliance Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	0.65	3.14*	0.25	1.05	1.59	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

- 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

Compliance Indicators

- 1. Timely Services
- 7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
- 9. Correction of Noncompliance
- 14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

- 1. Graduation with a Diploma
- 2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

- 4. Suspension/Expulsion
- 9. Disproportionate Representation Disaggregated by Race/Ethnicity
- 10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
- 11. Initial Evaluation Timeline
- 12. Part C to B Transition
- 13. Secondary Transition
- 15. Timely Correction of Noncompliance
- 20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

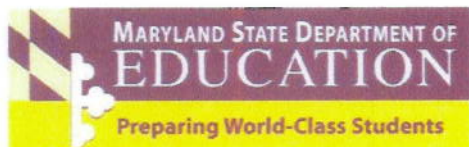
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 20, 2014

Dr. Kevin M. Maxwell
Chief Executive Officer
Prince George's County Public Schools
14201 School Lane
Upper Marlboro, MD 20772

Dear Dr. Maxwell:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Prince George's County Public Schools (PGCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the PGCPS has achieved the determination status of **"Needs Substantial Intervention, Year Three."**

The longstanding determination status of "Needs Substantial Intervention" of the PGCPS indicates a need for an increased level of accountability and focused intervention to improve results for children and youth with disabilities and their families. The MSDE, DSE/EIS will initiate enforcement actions, consistent with 34 CFR §300.600. In the near future you will receive an invitation to meet with Dr. Lillian M. Lowery, State Superintendent of Schools, Dr. Jack R. Smith, Chief Academic Officer, and me, Marcella E. Franczkowski, Assistant State Superintendent, Division of Special Education/Early Intervention Services to discuss next steps of intervention and support.

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

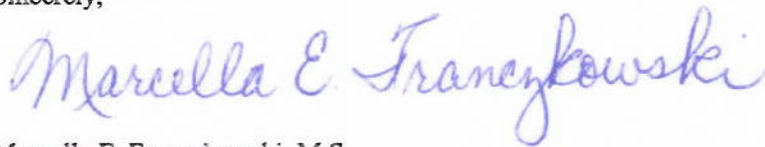
Dr. Maxwell
March 20, 2014
Page Two

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSF/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Joan Rothgeb, Ed. S.
Branch Chiefs

Prince George's County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2012 – June 30, 2013

FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required	Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met	FFY 2010	FFY 2011				
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	56.0%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.	^	56.69%		
		5 year cohort	≥ 84.4%	61.90%	No		^	62.83%		
2	Students with IEPs dropping out (Annual)		≤ 3.27%	7.19%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.	6.48%	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 <i>Master Plan</i> Improvement Strategies.	^	Not Met		
		AMO for Mathematics	Meets	Not Met	No		^	Not Met		
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	48.15%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.	52.76%	56.59%	
			Reading	94.55%	58.07%	No	61.35%	64.00%		
		4	Mathematics	95.19%	49.57%	No	59.27%	55.57%		
			Reading	96.15%	57.28%	No	64.55%	65.13%		
		5	Mathematics	94.13%	38.19%	No	52.00%	55.95%		
			Reading	95.23%	57.71%	No	63.54%	67.84%		
		6	Mathematics	93.12%	47.38%	No	54.50%	54.46%		
			Reading	95.50%	49.52%	No	59.82%	57.39%		
		7	Mathematics	92.83%	27.76%	No	42.52%	39.81%		
			Reading	95.25%	42.21%	No	49.31%	41.78%		
		8	Mathematics	92.64%	23.58%	No	22.45%	27.98%		
			Reading	94.82%	32.33%	No	41.69%	40.99%		
		HS	Mathematics	91.22%	27.12%	No	32.63%	29.68%		
			Reading	93.17%	36.33%	No	35.64%	39.30%		

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled	N size is < 30*	< 2.0	3.68	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		3.40	3.95
	Single suspensions (> 10 days): Disabled vs. nondisabled	N size is < 30*	< 2.0	2.55	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		2.08	1.78
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	< 2.0	2.22*	Yes	Significant discrepancy exists. A previous MSDE review of policies, procedures and practices do not contribute to the significant discrepancy. No required action.		0.00	1.80
		Asian	< 2.0	0.00	Yes			0.00	0.59
		Black or African American	< 2.0	4.33	No			3.78	4.39
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00	0.00
		White	< 2.0	1.40	Yes			0.00	0.70
		2 or more races	< 2.0	2.52*	Yes			0.00	2.21*
		Hispanic	< 2.0	0.73	Yes			0.00	0.84
5A	Discrepancy exists in the category N size is < 30*	Policies/ procedures/ practices contribute to the discrepancy.	No			Data does not meet the State target. Improvement Plan required.		No	No
		Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	52.30%	No			52.17%	52.57%
		Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	27.92%	No			27.94%	28.46%
		Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	9.12%	No			9.4%	8.75%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥ 64.1%	40.46%	No	Data does not meet State's target for 3-5. Improvement Plan required.		Δ	55.83%
6B	Aged 3-5 LRE: Separate School or Class		≤ 19.1%	29.17%	No	Data does not meet State's target for 3-5. Improvement Plan required.		Δ	33.60%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	≥ 68.3%	66.7%	No	Data does not meet the State target in category 7A1 and 7A2. Improvement Plan required.		66.7%	58.16%
		2. Exits within age expectations	≥ 73.5%	61.5%	No			70.2%	57.78%

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			Action Required			Previous Results			
Results Indicator	Compliance Indicator	FFY 2012				FFY 2010	FFY 2011		
		State Target	Local Results	Target Met					
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. exits within age expectations	≥ 68.6% ≥ 59.3%	55.8% 42.6%	No No	Data does not meet the State target in category 7B1 and 7B2. Improvement Plan required.	64.4% 41.3%	56.25% 42.74%	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	≥ 63.7% ≥ 66.2%	58.7% 57.8%	No No	Data does not meet the State target in category 7C1 and 7C2. Improvement Plan required.	61.4% 54.0%	50.65% 52.51%	
8A	Parent Survey	Age 3-5 Age 6-21	40.0% 38.0%	52.0% 33.0%	Yes No	Data meets the State's target in 3-5. Improvement Plan required. Data does not meet the State target in 6-21. No required action.	46% 33%	49% 35%	
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.	1.10	1.04	
		Asian	< 2.0	0.40	Yes		0.39	0.39	
		Black, African American	< 2.0	0.91	Yes		0.86	0.91	
		Native Haw/Pacific Islander	< 2.0	0.10	Yes		0.20	0.22	
		White	< 2.0	1.47	Yes		1.53	1.45	
		2 or more races	< 2.0	0.74	Yes		0.68	0.75	
		Hispanic	< 2.0	0.71	Yes		0.67	0.70	
		Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Yes		No (0%)	No (0%)	
		N size is < 30*							
Indicator 10 on last page									
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days.	100%	97.15%	No	Substantially compliant. Data verified. No required action.	95.70%	98.10%		
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday	100%	99.69%	No	Substantially compliant. Data verified. No required action.	100%			

FY 2012(SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	95.5%	No	Substantially compliant. Data verified. No required action.	79.0%	99.0%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Non-compliant	< 100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div>Compliance Indicator</div>									
10	FFY 2012 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	1.08	1.19	0.44	0.56	0.54	Identification procedures compliant. No required actions.
		Asian	0.45	0.27	0.19	0.65	0.74	0.12	
		Black/African American	1.26	1.05	1.17	0.56	0.62	0.93	
		Native Hawaiian/Pacific Islander	0.57	0.00	0.00	0.00	0.00	0.00	
		White	1.23	1.12	1.61	2.06	2.29	1.69	
		2 or more races	0.43	0.78	0.59	1.03	0.75	0.75	
		Hispanic	0.50	1.07	0.19	0.63	0.30	0.53	
		Disproportionate representation is due to inappropriate identification							

FFY 2011 (SFY 2012) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div>Compliance Indicator</div>									
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	NA
		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							

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
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20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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.



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

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

March 19, 2014

Dr. Carol A. Williamson
Superintendent
Queen Anne's County Board of Education
202 Chesterfield Avenue
Centreville, MD 21617

Dear Dr. Williamson:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Queen Anne's County Board of Education (QACBOE). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the QACBOE has achieved the determination status of **"Meets Requirements."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

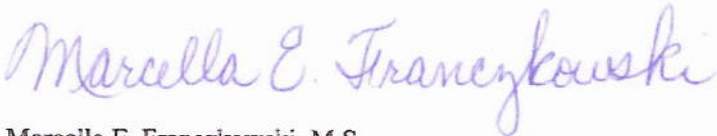
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Dr. Williamson
March 19, 2014
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Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the QACBOE 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Diane McGowan
Branch Chiefs

Queen Anne's County Public Schools
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2012 – June 30, 2013

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	70.0%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	74.55%
		5 year cohort	≥ 84.4%	72.88%	No			^	79.63%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	3.76%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		3.95%	3.95%
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 <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	59.46%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.	58.90%	84.62%
			Reading	94.55%	77.03%	No		75.34%	79.49%
		4	Mathematics	95.19%	73.56%	No		74.36%	80.95%
			Reading	96.15%	83.91%	No		82.05%	84.52%
			Mathematics	94.13%	34.07%	No		68.29%	68.67%
			Reading	95.23%	73.63%	No		86.59%	76.19%
		6	Mathematics	93.12%	31.17%	No		67.11%	71.95%
			Reading	95.50%	61.04%	No		72.37%	73.49%
		7	Mathematics	92.83%	30.86%	No		53.85%	65.38%
			Reading	95.25%	65.43%	No		74.68%	71.79%
		8	Mathematics	92.64%	30.86%	No		46.38%	48.65%
			Reading	94.82%	64.20%	No		75.36%	75.68%
		HS	Mathematics	91.22%	70.73%	No		55.22%	62.0%
			Reading	93.17%	71.43%	No		59.09%	64.0%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
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	1.17	
	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	0.00	
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	No significant discrepancy. No required action.		0.00	0.00	
		Asian	0.00	Yes			0.00	0.00	
		Black or African American	0.00	Yes			0.00	0.00	
		Native Haw/Pacific Islander	0.00	Yes			0.00	0.00	
		White	0.00	Yes			0.00	1.45	
		2 or more races	0.00	Yes			0.00	0.00	
		Hispanic	0.00	Yes			0.00	0.00	
	Discrepancy exists in the category						No	No	
	N size is < 30*	No	No	Yes					
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	92.38%	Yes	Data meets the State's target. No required action.		91.34%	91.84%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	3.98%	Yes	Data meets the State's target. No required action.		4.03%	3.63%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	1.22%	Yes	Data meets the State's target. No required action.		1.54%	1.36%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	54.55%	No	Data does not meet the State's target. Improvement Plan required.		Δ	52.38%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	23.23%	No	Data does not meet the State's target. Improvement Plan required.		Δ	27.38%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	80.0%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.		100%	76.0%	
		2. Exits within age expectations	93.8%	Yes			81.6%	84.78%	

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011		
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. Exits within age expectations	≥ 68.6% ≥ 59.3%	100% 93.8%	Yes Yes	Data meets the State's target in category 7B1 and 7B2. No required action.		81.5% 73.7%	72.41% 76.09%	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	≥ 63.7% ≥ 66.2%	100% 93.8%	Yes Yes	Data meets the State's target in category 7C1 and 7C2. No required action.		68.4% 76.3%	78.26% 89.13%	
8A	Parent Survey	Age 3-5 Age 6-21	40.0% 38.0%	44.0% 49.0%	Yes Yes	Data meets the State's target in 3-5 and 6-21. No required action.		58% 41%	63.0% 45.0%	
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native	< 2.0	0.84	Yes	No significant disproportionate representation. No required action.		1.44	1.36	
		Asian	< 2.0	0.59	Yes			0.36	0.56	
		Black, African American	< 2.0	1.95	Yes			2.07	1.85	
		Native Haw/Pacific Islander	< 2.0	2.16*	Yes			1.73	2.18*	
		White	< 2.0	0.71	Yes			0.70	0.67	
		2 or more races	< 2.0	0.64	Yes			0.69	0.72	
		Hispanic	< 2.0	0.55	Yes			0.47	0.73	
		Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	No (0%)			No (0%)	No (0%)	
		Disproportionate representation exits in the category								
		N size is < 30*								
Indicator 10 on last page										
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	95.93%	Yes	Substantially compliant. Data verified. No required action.		95.08%	98.94%		
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. No required action.		100%	100%		

FFY 2012(SFY 2013) Part B Indicators							
SPP/APR Indicators			FFY 2012			Action Required	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	86%
15	Timely correction of noncompliance	100%	< 100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	<100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action	
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	1.07	0.00	0.00	4.37*	0.00	No significant disproportionate representation exists. No action required.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.62	0.00	0.42	1.04	0.43	
		Black/African American	2.22*	1.95	2.10*	3.22*	0.75	2.08*	
		Native Hawaiian/Pacific Islander	0.00	2.04*	0.00	7.03*	0.00	0.00	
		White	0.72	0.69	0.64	0.56	1.04	0.72	
		2 or more races	0.00	0.69	1.17	0.00	0.95	1.03	
		Hispanic	0.82	0.58	0.80	0.25	1.40	0.40	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2010 results:	American Indian/Alaska Native	0.00	1.51	0.00	0.00	4.56*	1.75	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

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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.



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

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

March 19, 2014

Dr. John B. Gaddis
Interim Superintendent
Somerset County Public Schools
7982-A Tawes Campus Drive
Westover, MD 21871

Dear Dr. Gaddis:

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- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
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As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

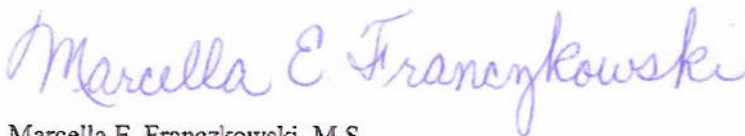
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Dr. Gaddis
March 19, 2014
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Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the SCPS to improve results for students 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Lynette Johnson
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	64.29%	No	Data does not meet the State's target for the 4 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	65.52%
		5 year cohort	≥ 84.4%	64.52%	No			^	68.97
2	Students with IEPs dropping out (Annual)		≤ 3.27%	5.22%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		4.86%	4.86%
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 <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	Yes	Data meets the State 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 Reading	95.22%	71.43%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		73.33%	70.00%
		4 Mathematics Reading	94.55%	78.05%	No			80.00%	80.65%
		5 Mathematics Reading	95.19%	74.19%	No			75.56%	75.00%
		6 Mathematics Reading	96.15%	70.97%	No			82.22%	81.25%
		7 Mathematics Reading	94.13%	71.43%	No			78.79%	82.98%
		8 Mathematics Reading	95.23%	85.71%	No			78.79%	80.85%
		HS Mathematics Reading	93.12%	75.00%	No			92.50%	72.41%
		3 Mathematics Reading	95.50%	75.00%	No			90.00%	70.00%
		4 Mathematics Reading	92.83%	75.86%	No			78.14%	71.05%
		5 Mathematics Reading	95.25%	72.41%	No			87.50%	81.58%
		6 Mathematics Reading	92.64%	30.77%	No			38.46%	39.29%
		7 Mathematics Reading	94.82%	56.41%	No			70.37%	65.52%
		8 Mathematics Reading	91.22%	30.43%	No			43.48%	29.17%
		HS Mathematics Reading	93.17%	30.43%	No			54.55%	37.50%

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


FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*		< 2.0	2.01*	Yes	Data meets the State's target. No required action.		0.00	3.35*
	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	0
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.		0.00	0.00
		Asian	< 2.0	0.00	Yes			0.00	0.00
		Black or African American	< 2.0	3.09*	Yes			0.00	4.61*
		Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00	0.00
		White	< 2.0	1.24	Yes			0.00	1.92
		2 or more races	< 2.0	0.00	Yes			0.00	0.00
		Hispanic	< 2.0	0.00	Yes			0.00	11.78*
	Discrepancy exists in the category		No	No	Yes			No	No
5A	N size is < 30*								
	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 63.11%	80.15%	Yes	Data meets the State's target. No required action.		85.11%	83.85%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.11%	15.01%	Yes	Data meets the State's target. No required action.		10.11%	11.28%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.22%	4.07%	Yes	Data meets the State's target. No required action.		2.13%	2.05%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥ 64.1%	62.50%	No	Data does not meet the State target. Improvement Plan required.		Δ	51.16%
6B	Aged 3-5 LRE: Separate School or Class		≤ 19.1%	8.33%	Yes	Data meets the State's target. No required action.		Δ	6.98%
7A	Age 3-5 Outcomes: Use of social –	1. Exits with substantial growth	≥ 68.3%	60.0%	No	Data does not meet the State's targets in Category 7A1 and 7A2. Improvement Plan required.		94.1%	83.33%
	emotional skills	2. Exits within age expectations	≥ 73.5%	50.0%	No			83.3%	75%

Δ Data not required to be submitted to OSEP.


FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met			FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. exits within age expectations		≥ 68.6%	40.0%	No	Data does not meet the State's targets in Category 7B1 and 7B2. Improvement Plan required.		77.8%	100%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations		≥ 63.7%	50.0%	No	Data does not meet the State's targets in Category 7C1 and 7C2. Improvement Plan required.		44.4%	75%.
8A	Parent Survey	Age 3-5 Age 6-21		40.0% 38.0%	62.0% 67.0%	Yes Yes	Data meets the State's target in 3-5 and 6-21. No required action.		88.2%	50%
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.		83.3%	75.00
		Asian		< 2.0	0.27	Yes		0.00	60%	
		Black, African American		< 2.0	1.40	Yes		51%	61%	
		Native Haw/Pacific Islander		< 2.0	0.00	Yes		0.00	0.00	
		White		< 2.0	1.16	Yes		0.32	0.34	
		2 or more races		< 2.0	0.77	Yes		1.56	1.36	
		Hispanic		< 2.0	0.42	Yes		0.00	0.00	
		Disproportionate representation is due to inappropriate identification		No (0%)	No (0%)	Yes		0.99	1.13	
		N size is < 30*						0.64	0.84	
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. 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. No required action.		100%	100%	

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	95.7%	No	Substantially compliant. Data verified. No required action.	100%	No annual data reported
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No action required.	Compliant	<100%
20	State reported data are timely and accurate	100%	< 100%	No	Action plan required to address timely and accurate reporting of data.	< 100%	<100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
	Compliance Indicator								
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	0.00	The MSDE staff will schedule a record review of children in the race category, using Section 12 of the <i>Special Education Record Review</i> document.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.00	0.00	2.29*	0.00	0.00	
		Black/African American	2.68*	2.05	1.52	0.49	0.89	1.38	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.58	0.88	1.62	1.78	2.04*	1.17	
		2 or more races	0.76	0.97	0.00	0.38	0.00	0.95	
		Hispanic	0.58	0.30	0.00	0.58	0.54	0.53	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

FFY 2011 (SFY 2012) Part B Indicators

FFY 2011 (SFY 2012) Part B Indicators									
SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
	Compliance Indicator								
10	FFY 2011 results:	American Indian/Alaska Native	0.0	0.0	0.0	0.0	0.0	0.0	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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.



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

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

March 19, 2014

Dr. Michael J. Martirano
Superintendent
St. Mary's County Public Schools
P.O. Box 641
Leonardtown, MD 20650

Dear Dr. Williamson:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the St. Mary's County Public Schools (SMCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the SMCPS has achieved the determination status of **"Meets Requirements."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

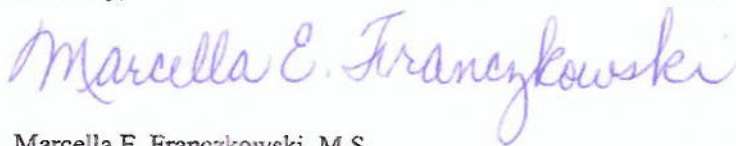
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Martirano
March 19, 2014
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Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Melissa Charbonnet
Branch Chiefs

St. Mary's County Public Schools
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Notice of Performance for the Period July 1, 2012 – June 30, 2013

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Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	57.98%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	46.94%
		5 year cohort	≥ 84.4%	66.10%	No			^	55.91%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	3.33%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		<3.00%	7.24%
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 <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Not Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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 Reading	95.22%	48.76%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		65.91%	76.76%
		4 Mathematics Reading	94.55%	56.20%	No			67.42%	79.02%
		5 Mathematics Reading	95.19%	73.05%	No			69.23%	61.19%
		6 Mathematics Reading	96.15%	66.67%	No			72.31%	73.88%
		7 Mathematics Reading	94.13%	47.33%	No			57.45%	66.92%
		8 Mathematics Reading	95.23%	65.65%	No			66.67%	76.92%
		HS Mathematics Reading	93.12%	51.82%	No			62.16%	50.89%
		HS Mathematics Reading	95.50%	52.29%	No			48.65%	53.57%
		HS Mathematics Reading	92.83%	35.54%	No			62.14%	45.26%
		HS Mathematics Reading	95.25%	46.28%	No			62.14%	43.80%
		HS Mathematics Reading	92.64%	36.36%	No			50.79%	55.04%
		HS Mathematics Reading	94.82%	38.84%	No			60.32%	56.59%
		HS Mathematics Reading	91.22%	58.67%	No			67.74%	59.09%
		HS Mathematics Reading	93.17%	37.97%	No			60.00%	50.00%

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

FFY 2012 (SFY 2013) Part B Indicators								
SPP/APR Indicators			FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met		FFY 2010	FFY 2011
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled	N size is < 30*	< 2.0	0.18	Yes	Data meets the State's target. No required action.	0.00	0.08
4B	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	0.00
	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.	0.00	0.00
		Asian	< 2.0	0.00	Yes		0.00	0.00
		Black or African American	< 2.0	0.31	Yes		0.00	0.00
		Native Haw/Pacific Islander	< 2.0	0.00	Yes		0.00	0.00
		White	< 2.0	0.14	Yes		0.00	0.13
		2 or more races	< 2.0	0.00	Yes		0.00	0.00
	Discrepancy exists in the category	Hispanic	< 2.0	0.00	Yes	0.00	0.00	
Policies/ procedures/ practices contribute to the discrepancy.		No	No	Yes	No	No		
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)		≥ 63.11%	78.64%	Yes	Data meets the State's target. No required action.	77.08%	77.95%
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)		≤ 15.11%	9.85%	Yes	Data meets the State's target. No required action.	10.87%	9.92%
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities		≤ 6.22%	1.65%	Yes	Data meets the State's target. No required action.	1.74%	1.96%
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day		≥ 64.1%	64.35%	Yes	Data meets the State's target. No required action.	Δ	69.19%
6B	Aged 3-5 LRE: Separate School or Class		≤ 19.1%	0.43%	Yes	Data meets the State's target. No required action.	Δ	9.95%
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	≥ 68.3%	69.8%	Yes	Data meets the State's target in category 7A1 and 7A2. No required action.	77.4%	76.62%
		2. Exits within age expectations	≥ 73.5%	78.1%	Yes		81.9%	80.62%

Δ Data not required to be submitted to OSEP.

FFY 2012(SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011		
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. exits within age expectations	≥ 68.6% ≥ 59.3%	68.3% 61.9%	Yes Yes	Data meets the State's target in category 7B1 and 7B2. No required action.		84.7% 68.9%	83.51% 79.07%	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	≥ 63.7% ≥ 66.2%	69.4% 81.0%	Yes Yes	Data meets the State's target in category 7C1 and 7C2. No required action.		84.9% 83.6%	81.33% 83.72%	
8A	Parent Survey	Age 3-5 Age 6-21	40.0% 38.0%	40.0% 39.0%	Yes Yes	Data does not meet the State's target for parents of children, age 3-5 years. Improvement activities required.		20% 44%	36% 37%	
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native	< 2.0	1.76	Yes	No significant disproportionate representation. No required action.		1.38	1.54	
		Asian	< 2.0	0.36	Yes			0.39	0.32	
		Black, African American	< 2.0	1.81	Yes			1.70	1.80	
		Native Haw/Pacific Islander	< 2.0	0.32	Yes			1.64	1.03	
		White	< 2.0	0.70	Yes			0.75	0.73	
		2 or more races	< 2.0	0.73	Yes			0.83	0.89	
		Hispanic	< 2.0	0.83	Yes			0.73	0.74	
	Disproportionate representation exits in the category	Disproportionate representation is due to inappropriate identification	No (0%)	No (0%)	Yes			No (0%)	No (0%)	
		N size is < 30*								
	Indicator 10 on last page									
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	98.39%	No	Substantially compliant. Data verified. No required action.		97.89%	97.76%	
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. No required action.		100%	100%	

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	<100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	2.42*	2.01*	1.82	0.00	2.10*	Identification procedures compliant. No required action.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.30	0.30	0.56	0.77	0.21	
		Black/African American	4.16	2.20	2.39	1.01	1.35	1.79	
		Native Hawaiian/Pacific Islander	0.00	0.87	0.00	0.00	0.00	0.00	
		White	0.42	0.68	0.63	0.81	0.83	0.63	
		2 or more races	0.55	0.55	0.42	0.87	1.06	0.98	
		Hispanic	0.36	0.55	0.58	1.73	0.85	1.07	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2011 results:	American Indian/Alaska Native	0.00	2.51*	2.08*	0.82	0.00	1.47	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
	N size is < 30*								

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

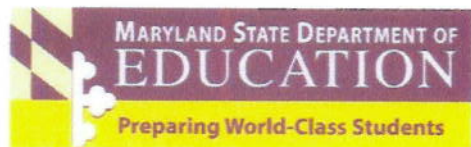
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Mrs. Kelly L. Griffith
Interim Superintendent
Talbot County Public Schools
P. O. Box 1029
Easton, MD 21601

Dear Mrs. Griffith:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Talbot County Public Schools (TCPS). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the TCPS has achieved the determination status of **"Meets Requirements."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Mrs. Griffith
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Kristin Mentges
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	56.25%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	59.26%
		5 year cohort	≥ 84.4%	62.5%	No			^	61.54%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	≤ 3.00%	Yes	Data meets the State's target. No required action.		7.75%	7.75%
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 <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	44.44%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.	50.00%	57.17%
			Reading	94.55%	52.78%	No		52.94%	82.61%
		4	Mathematics	95.19%	25.00%	No		55.00%	67.86%
			Reading	96.15%	50.00%	No		60.00%	78.57%
		5	Mathematics	94.13%	30.43%	No		59.09%	33.33%
			Reading	95.23%	60.87%	No		77.27%	66.67%
		6	Mathematics	93.12%	30.00%	No		44.44%	58.33%
			Reading	95.50%	15.00%	No		55.56%	62.50%
		7	Mathematics	92.83%	31.82%	No		48.15%	50.00%
			Reading	95.25%	54.55%	No		55.56%	40.00%
		8	Mathematics	92.64%	23.81%	No		72.22%	36.36%
			Reading	94.82%	47.62%	No		61.11%	51.52%
		HS	Mathematics	91.22%	40.91%	No		47.62%	50.00%
			Reading	93.17%	40.91%	No		47.62%	50.00%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	1.18	Yes	Data meets the State's target. No required action.		0.00	1.76	
4B	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	5.50*	
	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	< 2.0	0.00	Yes	No significant discrepancy. No required action.		0.00	0.00	
	Amer Indian/Alaska Native	< 2.0	0.00	Yes			0.00	0.00	
	Asian	< 2.0	0.00	Yes			0.00	0.00	
	Black or African American	< 2.0	3.52*	Yes			0.00	5.09*	
	Native Haw/Pacific Islander	< 2.0	0.00	Yes			0.00	0.00	
	White	< 2.0	0.00	Yes			0.00	0.62	
	2 or more races	< 2.0	11.52*	Yes			0.00	15.45*	
	Hispanic	< 2.0	0.00	Yes			0.00	0.00	
	Discrepancy exists in the category	No	No	Yes			No	No	
	N size is < 30*								
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	74.39%	Yes	Data meets the State's target. No required action.		76.45%	73.77%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	7.01%	Yes	Data meets the State's target. No required action.		6.12%	5.56%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	0.91%	Yes	Data meets the State's target. No required action.		0.92%	0.62%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	96.23%	Yes	Data meets the State's target. No required action.		Δ	87.50%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	0.00%	Yes	Data meets the State's target. No required action.		Δ	0.0%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	≥ 68.3%	72.2%	Yes	Data meets the State's target in category 7A1.		71.4%	63.16%	
	1. Exits with substantial growth 2. Exits within age expectations	≥ 73.5%	60.9%	No	Data does not meet the State target in category 7A2. Improvement Plan required.		50.0%	60.0%	

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met					FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. exits within age expectations	≥ 68.6% ≥ 59.3%	No No			Data does not meet the State target in category 7B1 or 7B2. Improvement Plan required.		61.5%	72.73%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	≥ 63.7% ≥ 66.2%	Yes No			Data meets the State's target in category 7C1. Data does not meet the State target in category 7C2. Improvement Plan required.		42.3%	60.0%
8A	Parent Survey	Age 3-5 Age 6-21 Amer Indian/Alaska Native Asian Black, African American Native Haw/Pacific Islander White 2 or more races Hispanic	40.0% 38.0% < 2.0 < 2.0 < 2.0 < 2.0 < 2.0 < 2.0	N/A Yes Yes Yes Yes Yes Yes Yes			Data meets the State's target for age 6-21. No required action. No significant disproportionate representation. No required action.		60.0%	76.19%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification		< 2.0	0.00	Yes			No required action.	50.0%	68.0%
			< 2.0	0.44	Yes			No required action.	63%	44%
			< 2.0	1.51	Yes			No required action.	60%	65%
			< 2.0	5.70*	Yes			No significant disproportionate representation. No required action.	0.00	0.00
			< 2.0	0.83	Yes			0.30	0.48	
			< 2.0	0.93	Yes			1.36	1.51	
			< 2.0	0.75	Yes			1.56	1.94	
								0.64	0.88	
								0.79	0.84	
					1.83	0.66				
Indicator 10 on last page										
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days	100%	99.15%	Yes			Data is substantially compliant. Data Verified. 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%	60%	No			First quarter data compliant. Data Verified. No required action.	100%	100%	

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Data is compliant. Data Verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div>Compliance Indicator</div>								
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	No significant disproportionate representation exists. No action required.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	1.46	0.38	0.00	0.63	0.00	
		Black/African American	1.49	1.78	1.74	1.02	0.89	
		Native Hawaiian/Pacific Islander	0.00	14.73*	0.00	0.00	0.00	
		White	0.49	0.79	1.41	0.84	2.20*	
		2 or more races	0.71	0.79	0.00	1.33	1.42	
		Hispanic	1.46	0.50	0.00	1.46	0.00	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div>Compliance Indicator</div>								
10	FFY 2011 results:	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	1.22	0.46	0.00	0.66	0.00	
		Black/African American	1.66	1.94	2.41*	0.84	1.15	
		Native Hawaiian/Pacific Islander	0.00	5.61*	0.00	0.00	0.00	
		White	0.59	0.74	0.98	1.21	1.57	
		2 or more races	1.38	1.08	0.00	0.37	0.00	
		Hispanic	0.73	0.37	0.00	1.32	0.53	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA’s and LSS’s effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE’s preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

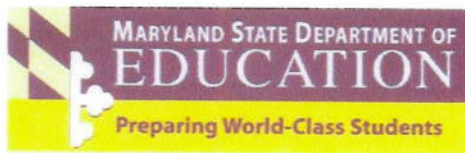
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Dr. Clayton M. Wilcox
Superintendent
Washington County Board of Education
P. O. Box 730
Hagerstown, MD 21740

Dear Dr. Wilcox:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Washington County Board of Education (WCBOE). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the WCBOE has achieved the determination status of **"Meets Requirements."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

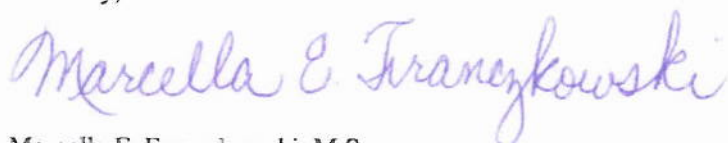
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Wilcox
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Jeffrey Gladhill
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	61.88%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		Λ	60.0%
		5 year cohort	≥ 84.4%	64.38%	No			Λ	63.03%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	3.55%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		4.26%	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's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		Λ	Not met
		AMO for Mathematics	Meets	Not Met	No			Λ	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	43.92%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.	50.92%	54.66%
			Reading	94.55%	44.59%	No		58.28%	58.39%
		4	Mathematics	95.19%	52.87%	No		62.43%	56.90%
			Reading	96.15%	55.17%	No		66.28%	67.82%
		5	Mathematics	94.13%	46.67%	No		53.68%	56.07%
			Reading	95.23%	60.00%	No		73.68%	65.14%
		6	Mathematics	93.12%	55.56%	No		65.73%	67.58%
			Reading	95.50%	47.80%	No		68.54%	65.38%
		7	Mathematics	92.83%	51.69%	No		54.00%	60.12%
			Reading	95.25%	60.45%	No		64.68%	55.42%
		8	Mathematics	92.64%	45.78%	No		50.00%	49.21%
			Reading	94.82%	54.76%	No		62.42%	48.96%
		HS	Mathematics	91.22%	60.40%	No		71.35%	68.75%
			Reading	93.17%	62.64%	No		58.62%	60.69%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
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	2.09*	
	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	0.00	
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	< 2.0	0.00	Yes	No significant discrepancy. No required action.		0.00	0.00	
		< 2.0	0.00	Yes			0.00	0.00	
		< 2.0	0.00	Yes			0.00	4.88*	
		< 2.0	0.00	Yes			0.00	0.00	
		< 2.0	0.00	Yes			0.00	1.76	
		< 2.0	0.00	Yes			0.00	0.00	
		< 2.0	0.00	Yes			0.00	0.00	
		No	No	Yes			No	No	
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	81.53%	Yes	Data meets the State's target. No required action.		81.03%	81.93%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	8.91%	Yes	Data meets the State's target. No required action.		9.08%	8.73%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	4.27%	Yes	Data meets the State's target. No required action.		4.11%	4.52%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	71.37%	Yes	Data meets the State's target. No required action.		Δ	74.43%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	0.85%	Yes	Data meets the State's target. No required action.		Δ	0.91%	
7A	Age 3-5 Outcomes:	≥ 68.3%	64.3%	No	Data does not meet the State target in category 7A1 and 7A2. Improvement Plan required.		61.7%	No data submitted	
	Use of social – emotional skills	≥ 73.5%	58.9%	No			68.1%	No data submitted	

Δ Data not required to be submitted to OSEP.

FFY 2012(SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator		Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth	2. Exits within age expectations	≥ 68.6%	50.7%	No	Data does not meet the State target in category 7B1 and 7B2. Improvement Plan required.	46.5%	No data submitted	
		1. Exits with substantial growth	2. Exits within age expectations	≥ 59.3%	35.6%	No		43.1%	No data submitted	
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth	2. Exits within age expectations	≥ 63.7%	50.0%	No	Data does not meet the State target in category 7C1 and 7C2. Improvement Plan required.	46.2%	No data submitted	
		1. Exits with substantial growth	2. Exits within age expectations	≥ 66.2%	46.6%	No		52.8%	No data submitted	
8A	Parent Survey	Age 3-5	Age 6-21	40.0%	33.0%	No	Data does not meet the State's target in 3-5 and 6-21. Improvement Plan required.	30%	20.00%	
		Age 3-5	Age 6-21	38.0%	36.0%	No		34%	38.00%	
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native		< 2.0	1.09	Yes	No significant disproportionate representation. No required action.	1.32	0.99	
		Asian		< 2.0	0.44	Yes		0.53	0.48	
		Black, African American		< 2.0	1.46	Yes		1.47	1.50	
		Native Haw/Pacific Islander		< 2.0	0.89	Yes		0.00	0.00	
		White		< 2.0	0.91	Yes		0.84	0.78	
		2 or more races		< 2.0	0.74	Yes		0.75	0.66	
		Hispanic		< 2.0	0.73	Yes		0.79	0.78	
		Disproportionate representation is due to inappropriate identification		No (0%)	No (0%)	Yes		No (0%)	No (0%)	
		Disproportionate representation exits in the category		No (0%)	No (0%)	Yes		No (0%)	No (0%)	
		N size is < 30*		No (0%)	No (0%)	Yes		No (0%)	No (0%)	
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. 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%	97.30%	No	Substantially compliant. Data verified. No required action.		100%	100%	

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div> <div></div> Compliance Indicator </div>								
10	FFY 2012 results:	American Indian/Alaska Native	2.87*	0.78	0.00	0.00	1.29	The MSDE staff will schedule a record review of children in the race category, using Section 12 of the <i>Special Education Record Review</i> document.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.28	0.31	0.00	0.69	0.13	
		Black/African American	1.72	1.66	2.03	0.88	1.47	
		Native Hawaiian/Pacific Islander	0.00	2.57*	0.00	0.00	0.00	
		White	0.81	0.85	0.87	1.30	0.82	
		2 or more races	0.49	0.74	0.47	0.64	1.09	
		Hispanic	0.76	0.64	0.47	0.96	1.16	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div> <div></div> Compliance Indicator </div>								
10	FFY 2011 results:	American Indian/Alaska Native	2.58*	0.69	0.00	0.00	1.29	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.27	0.60	0.00	0.21	0.14	
		Black/African American	1.39	1.75	2.61	0.94	1.35	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	
		White	0.77	0.77	0.75	1.20	0.87	
		2 or more races	0.49	0.59	0.51	0.78	0.67	
		Hispanic	1.37	0.63	0.21	1.20	1.03	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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- 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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.

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

0.00FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	55.96%	No	Data does not meet the State's target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	62.20%
		5 year cohort	≥ 84.4%	61.47%	No			^	67.07%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	5.47%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		4.31%	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 <i>Master Plan</i> Improvement Strategies.		^	Not Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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	95.22%	63.64%	No	Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.		74.19%	68.05%
		3 Reading	94.55%	67.13%	No			72.90%	69.64%
		4 Mathematics	95.19%	69.05%	No			73.94%	77.99%
		4 Reading	96.15%	71.26%	No			68.48%	73.89%
		5 Mathematics	94.13%	45.11%	No			53.91%	58.27%
		5 Reading	95.23%	64.66%	No			71.09%	75.54%
		6 Mathematics	93.12%	44.03%	No			56.30%	56.69%
		6 Reading	95.50%	53.68%	No			55.15%	48.41%
		7 Mathematics	92.83%	43.59%	No			46.21%	37.90%
		7 Reading	95.25%	54.62%	No			64.65%	49.19%
		8 Mathematics	92.64%	40.91%	No			25.24%	40.98%
		8 Reading	94.82%	47.71%	No			43.27%	46.72%
		HS Mathematics	91.22%	43.01%	No			44.71%	43.48%
		HS Reading	93.17%	43.96%	No			53.01%	40.66%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	0.48	Yes	Data meets the State's target. No required action.		0.00	0.35	
	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	3.71*	Yes	Data meets the State's target. No required action.		0.00	4.96*	
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	No significant discrepancy. No required action.		0.00	0.00	
		Asian	0.00	Yes			0.00	0.00	
		Black or African American	0.95	Yes			0.00	0.90	
		Native Haw/Pacific Islander	0.00	Yes			0.00	0.00	
		White	0.17	Yes			0.00	1.76	
		2 or more races	0.74	Yes			0.00	0.00	
		Hispanic	0.00	Yes			0.00	0.00	
	Discrepancy exists in the category N size is < 30*	No	No	Yes			No	No	
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	74.75%	Yes	Data meets the State's target. No required action.		73.84%	74.56%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	13.59%	Yes	Data meets the State's target. No required action.		13.44%	13.80%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	0.60%	Yes	Data meets the State's target. No required action.		<1.00%	0.26%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	40.64%	No	Data does not meet the State's target. Improvement Plan required.		Δ	64.62%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	9.96%	Yes	Data meets the State's target. No required action.		Δ	17.95%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	68.3%	Yes	Data meets the State's target for 7A1 and 7A2. No required action.		70.0%	67.39%	
		2. Exits within age expectations	79.1%	Yes			80.0%	77.11%	

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators								
SPP/APR Indicators			FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met		FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. Exits within age expectations	≥ 68.6%	67.9%	No	Data does not meet the State target in category 7B1. Improvement Plan required. Data meets the State target for 7B2. No required action.	57.1%	59.26%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	≥ 59.3%	68.1%	Yes	Data meets the State's target for 7C1 and 7C2. No required action.	40.0%	60.24%
8A	Parent Survey	Age 3-5 Age 6-21	≥ 63.7%	67.4%	Yes	Data meets the State's target in 3-5 and 6-21. No required action.	66.7%	53.49%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native	40.0%	44.0%	Yes	No significant disproportionate representation. No required action	52%	46%
		Asian	38.0%	41.0%	Yes		41%	53%
		Black, African American	< 2.0	0.34	Yes		0.48	0.61
		Native Haw/Pacific Islander	< 2.0	0.37	Yes		0.34	0.46
		White	< 2.0	1.43	Yes		1.61	1.50
		2 or more races	< 2.0	0.00	Yes		0.00	0.00
		Hispanic	< 2.0	0.87	Yes		0.85	0.85
			< 2.0	0.84	Yes		0.80	0.82
			< 2.0	0.89	Yes		0.65	0.78
	Disproportionate representation is due to inappropriate identification		No (0%)	No (0%)	YES		No (0%)	No (0%)
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. 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. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator								
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.00	0.00	0.00	2.14*	Identification procedures compliant. No required actions.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.98	0.09	0.00	0.63	0.39	
		Black/African American	1.80	1.67	2.00	0.97	0.71	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	
		White	0.55	0.81	0.73	1.18	1.69	
		2 or more races	0.16	0.76	1.46	0.80	0.82	
		Hispanic	1.25	0.90	0.55	0.94	0.88	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator								
10	FFY 2011 results:	American Indian/Alaska Native	0.00	1.07	0.00	0.00	0.00	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	1.67	0.10	0.00	0.86	0.47	
		Black/African American	1.55	1.99	2.11	0.93	0.73	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	
		White	0.54	0.73	0.77	1.16	1.70	
		2 or more races	0.51	0.76	1.23	0.89	0.77	
		Hispanic	1.17	0.67	0.38	0.91	0.76	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is < 30*							

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

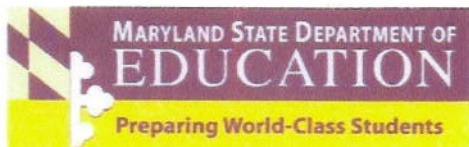
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Dr. Jerry B. Wilson
Superintendent
Worcester County Board of Education
6270 Worcester Highway
Newark, MD 21841

Dear Dr. Wilson:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the Worcester County Board of Education (WCBOE). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the WCBOE has achieved the determination status of **"Meets Requirements."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

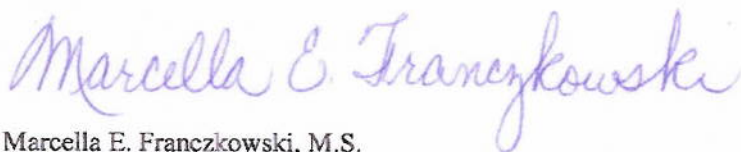
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Wilson
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to work closely with their local Special Education Citizens' Advisory Committee (SECAC) to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Rae Record
Branch Chiefs

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators			FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator		State Target	Local Results	Target Met			FFY 2010	FFY 2011
1	Students with IEPs graduating with a regular diploma	4 year cohort	≥ 81.5%	79.55%	No	Data does not meet the State target for the 4 and 5 year cohort. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	84.09%
		5 year cohort	≥ 84.4%	79.55%	No			^	84.44%
2	Students with IEPs dropping out (Annual)		≤ 3.27%	≤ 3.00%	Yes	Data meets the State's target. No required action.		16.36%	≤ 3.00%
3A	State Assessment: AMO for disability subgroup in the LEA	AMO for Reading	Meets	Met	Yes	Data meets the State target for reading but does not meet the State target for math. Continue to implement <i>Master Plan</i> Improvement Strategies.		^	Met
		AMO for Mathematics	Meets	Not Met	No			^	Met
3B	State Assessment: Participation rates of IEP students in all grades in the LEA		≥ 95%	Met	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 Reading	95.22%	86.67%	No	Data does not meet the State target. Continue to implement <i>Master Plan</i> Improvement Strategies.		95.00%	86.49%
		4 Mathematics Reading	94.55%	85.00%	No			95.00%	87.84%
		5 Mathematics Reading	95.19%	80.56%	No			85.25%	84.00%
		6 Mathematics Reading	96.15%	84.72%	No			88.52%	93.88%
		7 Mathematics Reading	94.13%	69.49%	No			66.67%	75.41%
		8 Mathematics Reading	95.23%	84.48%	No			73.91%	82.26%
		9 Mathematics Reading	93.12%	74.55%	No			75.68%	85.92%
		10 Mathematics Reading	95.50%	70.91%	No			77.03%	78.87%
		11 Mathematics Reading	92.83%	87.32%	No			78.95%	82.89%
		12 Mathematics Reading	95.25%	81.69%	No			73.68%	65.79%
		13 Mathematics Reading	92.64%	67.09%	No			94.12%	71.43%
		14 Mathematics Reading	94.82%	69.23%	No			92.16%	73.68%
		15 Mathematics Reading	91.22%	70.45%	No			68.89%	77.27%
		HS Reading	93.17%	47.62%	No			43.75%	68.18%

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

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
4A	Multiple suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	2.10*	Yes	Data meets the State's target. No required action.		0.00	1.04	
	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	0.00	
4B	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	Amer Indian/Alaska Native	0.00	Yes	No significant discrepancy. No required action.		0.00	0.00	
		Asian	0.00	Yes			0.00	0.00	
		Black or African American	5.10*	Yes			0.00	1.87	
		Native Haw/Pacific Islander	0.00	Yes			0.00	0.00	
		White	1.13	Yes			0.00	0.80	
		2 or more races	0.00	Yes			0.00	0.00	
		Hispanic	0.00	Yes			0.00	0.00	
	Discrepancy exists in the category						No	No	
	N size is < 30*	No	No	Yes					
5A	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	89.88%	Yes	Data meets the State's target. No required action.		88.32%	89.58%	
5B	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	2.05%	Yes	Data meets the State's target. No required action.		0.75%	1.88%	
5C	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	4.51%	Yes	Data meets the State's target. No required action.		5.99%	4.49%	
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	35.92%	No	Data does not meet the State's target. Improvement Plan required.		Δ	65.48%	
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	28.16%	No	Data does not meet the State's target. Improvement Plan required.		Δ	27.38%	
7A	Age 3-5 Outcomes: Use of social – emotional skills	1. Exits with substantial growth	83.3%	Yes	Data meets the State's target for 7A1 and 7A2. No required action.		43.8%	69.23%	
		2. Exits within age expectations	85.3%	Yes			44.4%	80.00%	

Δ Data not required to be submitted to OSEP.


FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required		Previous Results	
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met			FFY 2010	FFY 2011
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth		≥ 68.6%	79.3%	Yes	Data meets the State's target for 7B1 and 7B2. No required action.		66.7%	76.47%
		2. exits within age expectations		≥ 59.3%	67.7%	Yes			50.0%	75.00%
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth		≥ 63.7%	66.7%	Yes	Data meets the State's target for 7C1 and 7C2. No required action.		38.5%	80.00%
		2. Exits within age expectations		≥ 66.2%	67.6%	Yes			50.0%	80.00%
	Parent Survey	Age 3-5		40.0%	60.0%	Yes	Data meets the State's target in 3-5 and 6-21. No required action.		64%	30%
		Age 6-21		38.0%	47.0%	Yes			46%	59%
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Amer Indian/Alaska Native		< 2.0	0.88	Yes	No significant disproportionate representation. No required action.		0.00	1.14
		Asian		< 2.0	0.58	Yes			0.00	0.82
		Black, African American		< 2.0	1.50	Yes			0.00	1.47
		Native Haw/Pacific Islander		< 2.0	0.00	Yes			0.00	0.00
		White		< 2.0	0.80	Yes			0.00	0.81
		2 or more races		< 2.0	0.78	Yes			0.00	0.81
		Hispanic		< 2.0	0.87	Yes			0.00	0.73
		Disproportionate representation is due to inappropriate identification		No (0%)	No (0%)	Yes			No (0%)	No (0%)
Indicator 10 on last page										
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days			100%	99.41%	No	Substantially compliant. Data verified. 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 . No required action.	100%	100%	

FFY 2011 (SFY 2012) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	100%	Yes	Compliant. Data verified. No required action.	100.0%	100%
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.	Compliant	100%
20	State reported data are timely and accurate	100%	100%	Yes	Compliant. No required action.	100%	100%

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
Compliance Indicator									
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.00	0.00	0.00	5.97*	2.37*	Disproportionate representation does not exist. No required action.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	3.34*	0.14	0.00	0.72	2.97*	0.34	
		Black/African American	2.86*	1.92	1.57	0.90	0.50	1.40	
		Native Hawaiian/ Pacific Islander	0.00	0.00	0.00	0.00	0.00	0.00	
		White	0.37	0.57	1.57	1.08	1.45	1.21	
		2 or more races	0.00	0.79	0.00	1.04	1.28	0.50	
		Hispanic	0.00	1.27	0.00	1.18	0.28	0.35	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

FFY 2011(SFY 2012) Part B Indicators

SPP/APR Indicators			Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
	Compliance Indicator								
10	FFY 2011 results:	American Indian/Alaska Native	0.00	0.00	0.00	0.00	4.69*	0.00	NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	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 exists	Disproportionate representation is due to inappropriate identification							
N size is < 30*									

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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

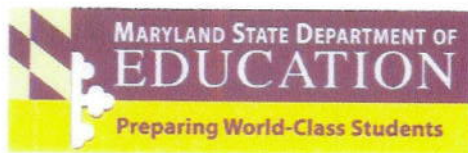
LSS demonstrated continued failure to correct all previously identified noncompliance and completion of corrective actions for two or more years from date of identification.

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.



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

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

March 19, 2014

Dr. Khalek Kirkland
Head of School
The SEED School of Maryland
200 Font Hill Avenue
Baltimore, MD 21223

Dear Dr. Kirkland:

The Maryland State Department of Education (MSDE), Division of Special Education/Early Intervention Services (DSE/EIS) is required to make determinations annually on the performance of each local school system using one of the following four determination categories: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention" [34 CFR §§300.600 and 300.604]. The MSDE, DSE/EIS uses a results-based rubric for specific indicators to evaluate each local school system's performance in meeting the State's targets for Federal Fiscal Year (FFY) 2012 (2012-2013 school year). Attached please find the *FFY 2012 Determination Overview* that identifies the Part B Indicators used to assign a local determination and the *FFY 2012 Local Determination Scoring Criteria*. The attached *FFY 2012 Annual Data Table on SPP/APR Part B Indicators* provides a three-year data analysis and required actions for the SEED School of Maryland (SSMD). Based on the FFY 2012 data, as well as information obtained through monitoring and complaint investigations, the SSMD has achieved the determination status of **"Meets Requirements."**

The criteria for the current assignment of the determination status have been in effect for the last seven (7) years and have been primarily based upon indicators of compliance. We know what is measured is what gets done and, as a result, twenty-two of Maryland's twenty-five¹ local school systems met substantial compliance for each of the six (6) Compliance Indicators in FFY 2012. Moving forward, there will be a shift to a more balanced accountability approach. Critical to the focus and accountability shift is the collaborative work between general and specialized education leaders to narrow the school readiness and achievement gaps. Beginning with the FFY 2013 (2013-2014) Part B local determinations, the DSE/EIS will implement a graduated six-year results driven accountability plan in order to concentrate efforts on:

- Improving student performance, including assessments, preschool outcomes, graduation, dropout, and post-school outcomes;
- Providing access to and participation in the general curriculum with nondisabled peers to the maximum extent appropriate; and
- Increasing parent partnerships.

As a result of the accountability shift to an increased emphasis on results, a local school system's determination status may be impacted in the future. Decisions regarding the setting of new State targets and local determination criteria will be made in the coming months through broad stakeholder input, including local

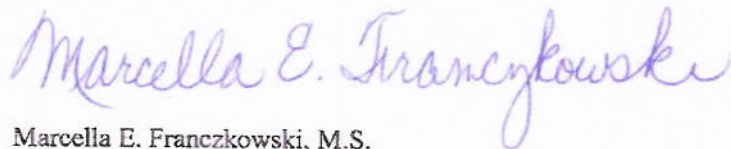
¹ The SEED School of Maryland is a local school system for the Elementary and Secondary Education Act (ESEA) accountability purposes.

Dr. Kirkland
March 19, 2014
Page Two

Directors of Special Education, local Preschool Coordinators, and the Special Education State Advisory Committee (SESAC). Local school systems are strongly encouraged to perform an analysis of local data and infrastructure. The analysis should guide the development of strategies for data-informed decision-making, increased parent partnerships, strategic collaboration, and the use of evidence-based practices to improve the results for children and youth with disabilities and their families. As we implement this shift in focus to results-driven accountability, the MSDE, DSE/EIS will provide State and local professional learning opportunities.

Thank you for your hard work and commitment to excellence, equity, and efficiency. The MSDE is committed to supporting the efforts of the SSMD 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, M.S.
Assistant State Superintendent
Division of Special Education/
Early Intervention Services

MF/DRR
Attachments

c: Lillian M Lowery, Ed.D.
Jack R. Smith, Ph.D.
Branch Chiefs

FFY 2012 (SFY 2013) Part B Indicators									
SPP/APR Indicators		FFY 2012			Action Required		Previous Results		
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met			FFY 2010	FFY 2011	
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.				
4B	Single suspensions (> 10 days): Disabled vs. nondisabled N size is < 30*	< 2.0	0.60	Yes	Data meets the State's target. No required action.				
	Discrepancy (≥ 2.0) in the rate of suspensions and expulsions of students with IEPs by race/ethnicity	< 2.0	0.00	Yes	No significant discrepancy. No required action.				
	Amer Indian/Alaska Native	< 2.0	0.00	Yes					
	Asian	< 2.0	0.00	Yes					
	Black or African American	< 2.0	0.64	Yes					
	Native Haw/Pacific Islander	< 2.0	0.00	Yes					
	White	< 2.0	0.00	Yes					
	2 or more races	< 2.0	0.00	Yes					
	Hispanic	< 2.0	0.00	Yes					
5A	Discrepancy exists in the category N size is < 30*	No							
	Student aged 6-21 whose LRE is ≥ 80% of the day (MD SSIS LRE A)	≥ 63.11%	NA						
	Students aged 6-21 whose LRE is ≤ 40% of the day (MD SSIS LRE C)	≤ 15.11%	NA						
	Students aged 6-21 whose LRE is separate public/private day and residential facilities and home and hospital facilities	≤ 6.22%	NA						
6A	Aged 3-5 LRE: Regular Early Childhood setting the majority of the day	≥ 64.1%	NA						
6B	Aged 3-5 LRE: Separate School or Class	≤ 19.1%	NA						
7A	Age 3-5 Outcomes: 1. Exits with substantial growth	≥ 68.3%	NA						
	Use of social – emotional skills 2. Exits within age expectations	≥ 73.5%	NA						

Δ Data not required to be submitted to OSEP.

FFY 2012 (SFY 2013) Part B Indicators								
SPP/APR Indicators			FFY 2012		Action Required	Previous Results		
Results Indicator	Compliance Indicator		State Target	Local Results		FFY 2010	FFY 2011	
7B	Age 3-5 Outcomes: Use of knowledge and skills	1. Exits with substantial growth 2. exits within age expectations	≥ 68.6%	NA				
7C	Age 3-5 Outcomes: Use of appropriate behaviors	1. Exits with substantial growth 2. Exits within age expectations	≥ 59.3%	NA				
8A	Parent Survey	Age 3-5 Age 6-21	≥ 63.7%	NA				
9	Disproportionate representation (≥ 2.0) in special education of racial groups as a result of inappropriate identification	Age 3-5	≥ 66.2%	NA				
		Age 6-21	40.0%	NA				
		Amer Indian/Alaska Native	38.0%	NA				
		Asian	< 2.0	0.00	Yes	Significant disproportionality not due to inappropriate identification. No required action.		
		Black, African American	< 2.0	0.00	Yes			
		Native Haw/Pacific Islander	< 2.0	3.88	No			
		White	< 2.0	0.00	Yes			
		2 or more races	< 2.0	0.00	Yes			
		Hispanic	< 2.0	4.87	Yes			
				1.37	Yes			
9	Disproportionate representation is due to inappropriate identification	No (0%)						
	N size is < 30*							
Significant disproportionality not due to inappropriate identification. No required action.								
11	Percentage of students with written parental consent to evaluate who were evaluated within 60 calendar days		100%	100%	Yes	Compliant. Data verified . No required action.		
12	Eligible children exiting Part C at age 3 have an IEP in effect by the child's 3rd birthday		100%	NA				

FFY 2012 (SFY 2013) Part B Indicators							
SPP/APR Indicators		FFY 2012			Action Required	Previous Results	
Results Indicator	Compliance Indicator	State Target	Local Results	Target Met		FFY 2010	FFY 2011
13	Percentage of youth age 16 and above whose IEP meets secondary transition requirements	100%	NA				
15	Timely correction of noncompliance	100%	100%	Yes	Compliant. No required action.		
20	State reported data are timely and accurate	100%	100	Yes	Compliant. No required action.		

FFY 2012 (SFY 2013) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div> <div></div> Compliance Indicator </div>								
10	FFY 2012 results:	American Indian/Alaska Native	0.00	0.00	0.00	0.00	0.00	No significant disproportionality exists. No required action.
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian	0.00	0.00	0.00	0.00	0.00	
		Black/African American	0.00	3.99*	0.00	0.00	1.88	
		Native Hawaiian/Pacific Islander	0.00	0.00	0.00	0.00	0.00	
		White	0.00	0.00	0.00	0.00	0.00	
		2 or more races	0.00	0.00	0.00	0.00	0.00	
		Hispanic	0.00	3.30	0.00	0.00	0.00	
	Disproportionate representation exists	Disproportionate representation is due to inappropriate identification						
	N size is $< 30^*$							

FFY 2011 (SFY 2012) Part B Indicators

SPP/APR Indicators		Intellectual Disability	Specific Learning Disability	Emotional Disability	Speech or language Impairment	Autism	Other Health Impairment	Required Action
<div> <div></div> Compliance Indicator </div>								
10	FFY 2011 results:	American Indian/Alaska Native						NA
	Disproportionate representation (≥ 2.0) in disability categories by race as a result of inappropriate identification	Asian						
		Black/African American						
		Native Hawaiian/Pacific Islander						
		White						
		2 or more races						
		Hispanic						
	Disproportionate representation exists.	Disproportionate representation is due to inappropriate identification						
	N size is $< 30^*$							

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

FFY 2012 Determination Overview

Part C & Part B

July 1, 2012 – June 30, 2013

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, the 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 2014.

The Individuals with Disabilities Education Act (IDEA) also requires states to evaluate each state's Local Lead Agency (LLA) for the IDEA Part C early intervention services, and each Local School System (LSS) for the IDEA Part B special education performance on the Part C and Part B Indicators. As a result of that evaluation, each state is to assign each LLA and LSS to one of four levels of determination status: "Meets Requirements," "Needs Assistance," "Needs Intervention," or "Needs Substantial Intervention." In making determinations, the 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 Results Indicators; and
- Other information.

The MSDE, Division of Special Education/Early Intervention Services, uses a results-based rubric on specific indicators to rate each LLA's and LSS's performance in meeting the State's targets as defined by the State Performance Plan for Part C and Part B. Each LLA's and LSS's determination 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, 2014.

The following Part C indicators are included in assigning determinations:

Results Indicators

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

Compliance Indicators

1. Timely Services
7. 45 Day Timeline
- 8a. Transition – Transition Outcomes
- 8b. Transition – Notification to LSS
- 8c. Transition – Timely Planning Meeting
9. Correction of Noncompliance
14. Timely and Accurate Data

The following Part B indicators are included in assigning determinations:

Results Indicators

1. Graduation with a Diploma
2. Dropout
- 5a. LRE for Students Ages 6-21 – Inside the regular class 80% or more of the day
- 5b. LRE for Students Ages 6-21 – Inside the regular class less than 40% of the day
- 5c. LRE for Students Ages 6-21 – In separate schools, residential facilities, or homebound/hospital placements

Compliance Indicators

4. Suspension/Expulsion
9. Disproportionate Representation Disaggregated by Race/Ethnicity
10. Disproportionate Representation Disaggregated by Race/Ethnicity and Disability
11. Initial Evaluation Timeline
12. Part C to B Transition
13. Secondary Transition
15. Timely Correction of Noncompliance
20. Timely and Accurate Data

The MSDE supports each LLA's and LSS's effort to improve performance and identify and correct noncompliance with federal and State requirements. Programmatic technical assistance and monitoring may include, but is not limited to, teleconference calls, targeted technical assistance, professional learning opportunities, targeted funds for improvement, and onsite visits. While it is the MSDE's preference to work collaboratively with each LLA and LSS 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 the IDEA, the 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 the 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 the IDEA, the MSDE must implement enforcement actions.

The 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 the 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 the 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 IDEA, until the 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 the GEPA.
 - (v) Withholds, in whole or in part, any further payments to the public agency under Part B of the IDEA.

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

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

Prior to withholding any funds under the IDEA, the MSDE provides reasonable notice and an opportunity for a hearing to the public agency 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 Services**

**FFY 2012 Local Determination Scoring Criteria
July 1, 2012 – June 30, 2013 Data**

Meets Requirements

Results 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 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

Results 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 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 identified timely diligent effort and substantial improvement overall (15).

Needs Intervention

Results 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 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.

The SEED School of Maryland
Annual Data on SPP/APR Part B Indicators
Notice of Performance for the Period July 1, 2012 – June 30, 2013

FFY 2012 (SFY 2013) Part B Indicators										
SPP/APR Indicators				FFY 2012			Action Required	Previous Results		
Results Indicator	Compliance Indicator			State Target	Local Results	Target Met		FFY 2010	FFY 2011	
1	Students with IEPs graduating with a regular diploma	4 year cohort		≥ 81.5%	NA	NA				
		5 year cohort		≥ 84.4%	NA	NA				
2	Students with IEPs dropping out (Annual)			≤ 3.27%	0%	Yes	Data meets the State's target. No required action.			
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%	Met	Yes	Data meets the State's target. No required action.			
3C	State Assessment: Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards	3	Mathematics	95.22%	NA					
			Reading	94.55%	NA					
		4	Mathematics	95.19%	NA					
			Reading	96.15%	NA					
		5	Mathematics	94.13%	NA					
			Reading	95.23%	NA					
		6	Mathematics	93.12%	42.86%	No				
			Reading	95.50%	52.38%	No				
		7	Mathematics	92.83%	20.00%	No				
			Reading	95.25%	10.00%	No				
		8	Mathematics	92.64%	NA					
			Reading	94.82%	NA					
		HS	Mathematics	91.22%	NA					
			Reading	93.17%	NA					
Data does not meet the State's target. Continue to implement <i>Master Plan</i> Improvement Strategies.										